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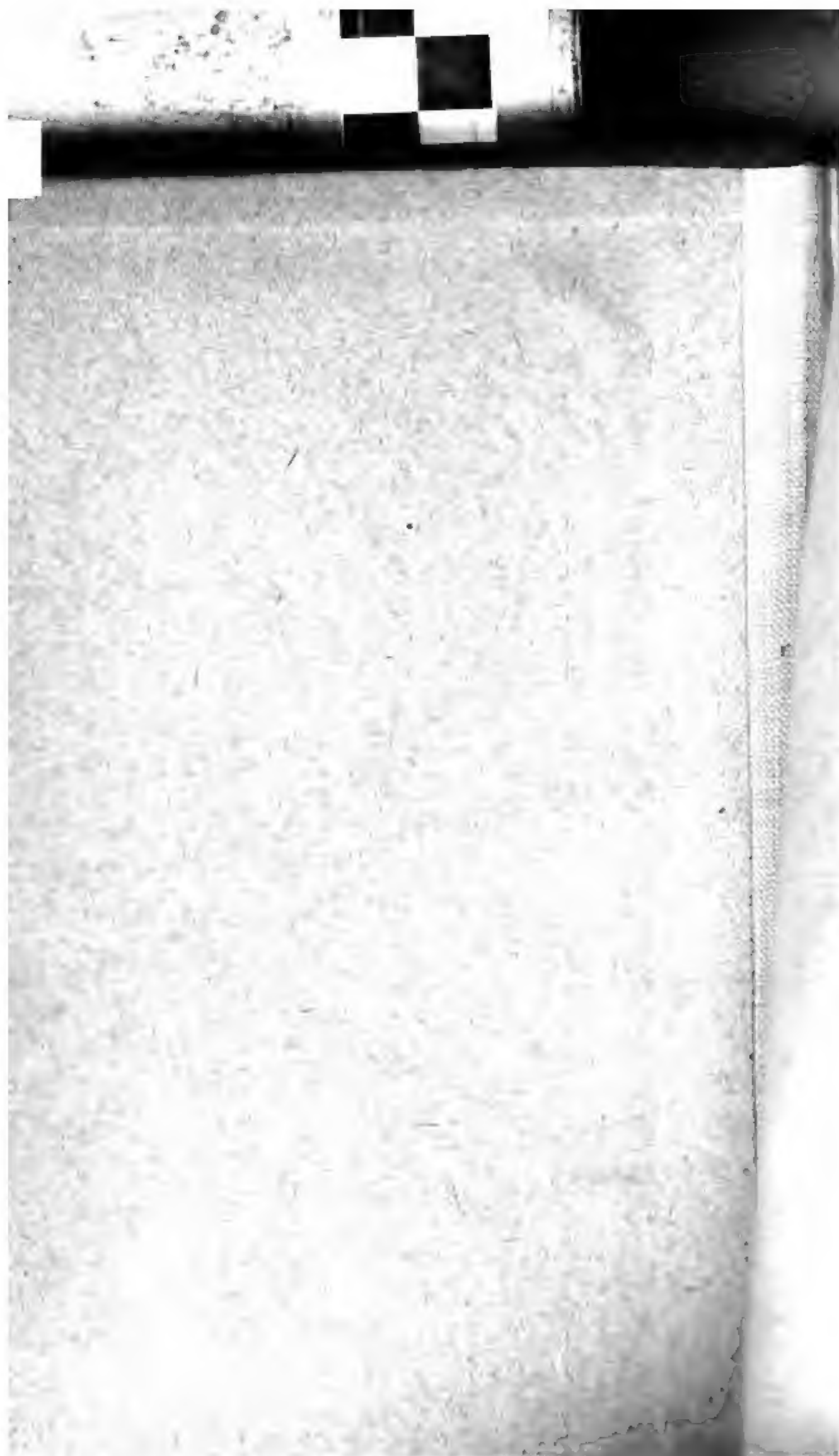
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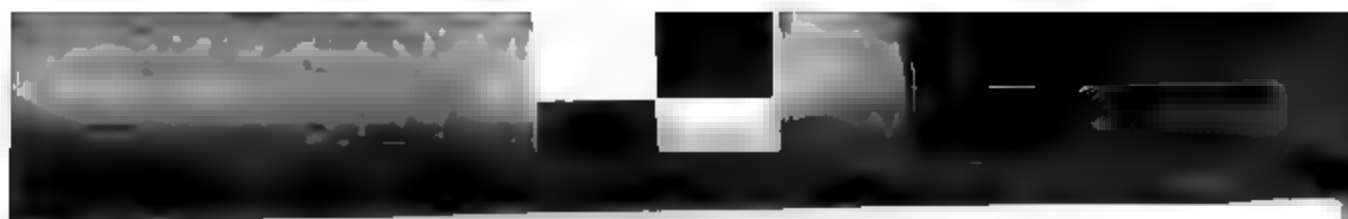














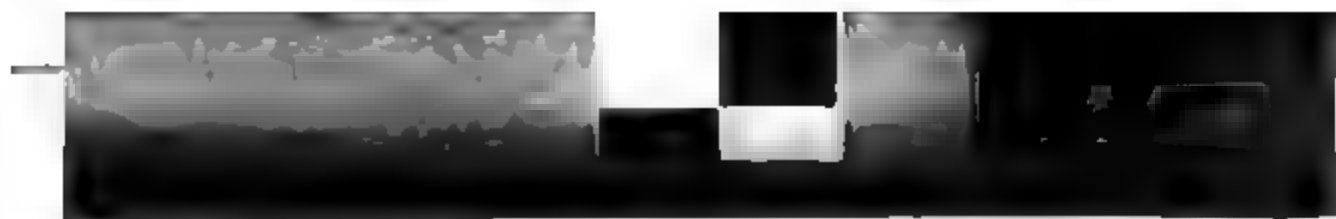






















CONSTITUTION OF THE UNITED STATES,  
JEFFERSON'S MANUAL,  
THE RULES OF THE HOUSE OF REPRESENTATIVES OF  
THE FIFTY-FOURTH CONGRESS,  
AND  
A DIGEST AND MANUAL  
OF THE  
RULES AND PRACTICE  
OF THE  
HOUSE OF REPRESENTATIVES  
OF  
THE UNITED STATES.

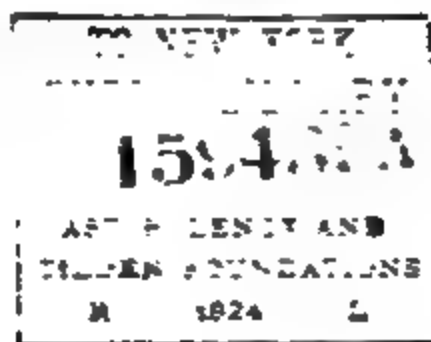
[WITH AN APPENDIX.]

PREPARED BY

**THOMAS H. McKEE,**

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### Explanatory Note.

Citations in the Digest from the Constitution, Congressional Globe, Congressional Record, Journals, and Statutes, are indicated as in the following examples: Thus,

*Const. I, 7, 2, 2*, refers to article 1, section 7, subsection 2 of the Constitution, page 6 of this volume.

*Journal I, 1, p. —*, refers to the Journal of the House of Representatives, first session, Fifty-third Congress. The Congressional Globe and Congressional Record are cited in like manner by reference to the session and Congress.

*27 Stat. I*, refers to the twenty-seventh or last volume of the Statutes at Large of the United States.

In some cases Statutes are cited thus:

*Laws of Session 1887, 4, p. —*, referring to the volume of acts passed at the second session of the Forty-third Congress,—and being the equivalent of *28 Stat. I*.

*R. S.* indicates the Revised Statutes of the United States (revision of 1875).

*Manual*, refers to Jefferson's Manual, as comprised in this volume.

## **PREFACE.**

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**This compilation, being a manual of legislative procedure of the House of Representatives of the United States, is prepared and published in pursuance of law and a resolution of the House.**

**This edition is intended to conform to the Rules of the Fifty-fourth Congress. The indexes to the Rules of the Fifty-fourth Congress and the Digest may be used as word or phrase indexes, arranged in alphabetical order, without regard to any rule or chapter heading in the volume. It may be of interest to those consulting the book to know that the index to the Rules on the first page (211 of the Rules of the House of Representatives, Fifty-fourth Congress) refers to the Rules only. The general index to the Digest will be found at the close of the volume.**



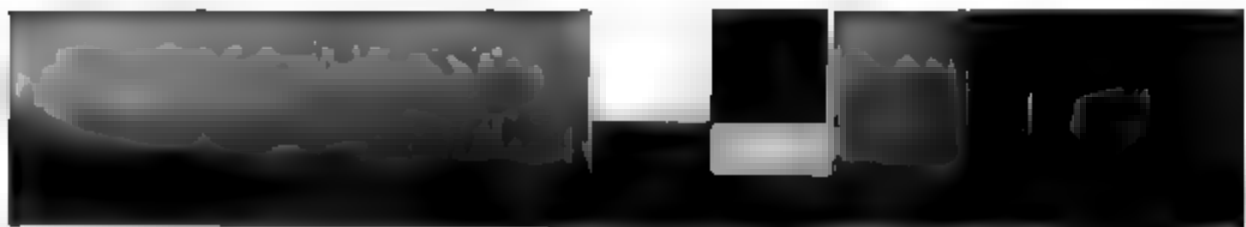


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## CONSTITUTION OF THE UNITED STATES—1787.\*

**WE THE PEOPLE** of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

*Chisholm v. Georgia*, 2 Dall., 419; *McCulloch v. State of Maryland et al.*, 4 Wh., 316; *Brown et als. v. Maryland*, 12 Wh., 419; *Barron v. The Mayor and City Council of Baltimore*, 7 Pet., 243; *Lane County v. Oregon*, 7 Wall., 71; *Texas v. White et al.*, 7 Wall., 700.

### ARTICLE. I.

**SECTION. 1.** All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

*Hayburn's case (notes)*, 2 Dall., 409.

**SECTION. 2.** 'The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

\* In May, 1785, a committee of Congress made a report recommending an alteration in the Articles of Confederation, but no action was taken on it, and it was left to the State Legislatures to proceed in the matter. In January, 1786, the Legislature of Virginia passed a resolution providing for the appointment of five commissioners, who, or any three of them, should meet such commissioners as might be appointed in the other States of the Union, at a time and place to be agreed upon, to take into consideration the trade of the United States; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony; and to report to the several

**\*No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.**

States such an act, relative to this great object, as, when ratified by them, will enable the United States in Congress effectually to provide for the same. The Virginia commissioners, after some correspondence, fixed the first Monday in September as the time, and the city of Annapolis as the place for the meeting, but only four other States were represented, viz: Delaware, New York, New Jersey, and Pennsylvania; the commissioners appointed by Massachusetts, New Hampshire, North Carolina, and Rhode Island failed to attend. Under the circumstances of so partial a representation, the commissioners present agreed upon a report, drawn by Mr. Hamilton, of New York, expressing their unanimous conviction that it might essentially tend to advance the interests of the Union if the States by which they were respectively delegated would concur, and use their endeavors to procure the concurrence of the other States, in the appointment of commissioners to meet at Philadelphia on the second Monday of May following, to take into consideration the situation of the United States; to devise such further provisions as should appear to them necessary to render the Constitution of the Federal Government a league to the exigencies of the Union; and to report such an act for that purpose to the United States in Congress assembled as, when agreed to by them and afterwards confirmed by the Legislatures of every State, would effectually provide for the same.

Congress, on the 21st of February, 1787, adopted a resolution in favor of a convention, and the Legislatures of those States which had not already done so (with the exception of Rhode Island promptly appointed delegates. On the 25th of May, seven States having convened, George Washington, of Virginia, was unanimously elected President, and the consideration of the proposed constitution was commenced. On the 17th of September, 1787, the Constitution as engrossed and agreed upon was signed by all the members present, except Mr. Gerry, of Massachusetts, and Messrs. Mason and Randolph, of Virginia. The president of the convention transmitted it to Congress, with a resolution stating how the proposed Federal Government should be put in operation, and an explanatory letter. Congress, on the 28th of September, 1787, directed the Constitution so framed, with the resolutions and letter concerning the same, to be transmitted to the several Legislatures, in order to be submitted to a convention of delegates chosen in each State by the people therefor, in conformity to the resolves of the convention."

On the 4th of March, 1790, the day which had been fixed for commencing the operations of Government under the new Constitution, it had been ratified by the conventions chosen in each State to consider it, as follows. Delaware, December 7, 1787; Pennsylvania, December 12, 1787; New Jersey, December 18, 1787; Georgia, January 2, 1788; Connecticut, January 9, 1788; Massachusetts, February 6, 1788; Maryland, April 28, 1788; South Carolina, May 23, 1788; New Hampshire, June 21, 1788; Virginia, June 20, 1788, and New York, July 26, 1788.

The President informed Congress, on the 28th of January, 1790, that North Carolina had ratified the Constitution November 21, 1789; and he informed Congress on the 1st of June, 1790, that Rhode Island had ratified the Constitution May 29, 1790. Vermont, in convention, ratified the Constitution January 10, 1791, and was, by an act of Congress approved February 18, 1791, "received and admitted into this Union as a new and entire member of the United States."

<sup>3\*</sup>[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.] The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

*Veazie Bank v. Fenno*, 8 Wall., 533; *Scholey v. Rew*, 23 Wall., 331.

<sup>4</sup>When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

<sup>5</sup>The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION. 3. <sup>1</sup>The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

<sup>2</sup>Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Ex-

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<sup>\*</sup>The clause included in brackets is amended by the 14th amendment, 2d section, p. p. 30, 31.

piration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

<sup>3</sup> No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

<sup>4</sup> The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

<sup>5</sup> The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

<sup>6</sup> The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

<sup>7</sup> Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4. <sup>1</sup> The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

Ex parte Siebold, 100 U. S., 371: Ex parte Yarborough, 110 U. S., 651.

<sup>1</sup>The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION. 5. <sup>1</sup>Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

*United States v. Ballin*, 146 U. S., 1.

<sup>2</sup>Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

*Anderson v. Dunn*, 6 Wh., 204; *Kilbourn v. Thompson*, 103 U. S., 168.

<sup>3</sup>Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

*Field v. Clark*, 143 U. S., 649.

<sup>4</sup>Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION. 6. <sup>1</sup>The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

*Cox v. M'Clenachan*, 3 Dall., 478.

<sup>2</sup>No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority

of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION. 7. <sup>1</sup>All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

<sup>2</sup> Every Bill which shall have passed the House of Representative and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

<sup>3</sup> Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.



SECTION. 8. The Congress shall have Power 'To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts, and Excises shall be uniform throughout the United States;

*Hylton v. United States*, 3 Dall., 171; *McCulloch v. State of Maryland*, 4 Wh., 316; *Loughborough v. Blake*, 5 Wh., 317; *Osborn v. Bank of the United States*, 9 Wh., 738; *Weston et al. v. City Council of Charleston*, 2 Pet., 449; *Dobbins v. The Commissioners of Erie County*, 16 Pet., 435; *License Cases*, 5 How., 504; *Cooley v. Board of Wardens of Port of Philadelphia et al.*, 12 How., 299; *McGuire v. The Commonwealth*, 3 Wall., 387; *Van Allen v. The Assessors*, 3 Wall., 573; *Bradley v. The People*, 4 Wall., 459. *License Tax Cases*, 5 Wall., 462; *Pervear v. The Commonwealth*, 5 Wall., 475; *Woodruff v. Parham*, 8 Wall., 123; *Hinson v. Lott*, 8 Wall., 148; *Veazie Bank v. Fenno*, 8 Wall., 533; *The Collector v. Day*, 11 Wall., 113; *United States v. Singer*, 15 Wall., 111; *State tax on foreign-held bonds*, 15 Wall., 300; *United States v. Railroad Company*, 17 Wall., 322; *Railroad Company v. Peniston*, 18 Wall., 5; *Scholey v. Rew*, 23 Wall., 331; *Springer v. United States*, 102 U. S., 586; *Legal Tender case*, 110 U. S., 421.

'To borrow Money on the credit of the United States;

*McCulloch v. The State of Maryland*, 4 Wh., 316; *Weston et al. v. The City Council of Charleston*, 2 Pet., 449; *Bank of Commerce v. New York City*, 2 Black, 620; *Bank Tax Cases*, 2 Wall., 200; *The Bank v. The Mayor*, 7 Wall., 16; *Bank v. Supervisors*, 7 Wall., 26; *Hepburn v. Griswold*, 8 Wall., 603; *National Bank v. Commonwealth*, 9 Wall., 353; *Parker v. Davis*, 12 Wall., 457; *Legal Tender case*, 110 U. S., 421.

'To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

*Gibbons v. Ogden*, 9 Wh., 1; *Brown et als. v. State of Maryland*, 12 Wh., 419; *Wilson et al. v. Black Bird Creek Marsh Company*, 2 Pet., 245; *Worcester v. The State of Georgia*, 6 Pet., 515; *City of New York v. Miln*, 11 Pet., 102; *United States v. Coombs*, 12 Pet., 72; *Holmes v. Jennison et al.*, 14 Pet., 540; *License Cases*, 5 How., 504; *Passenger Cases*, 7 How., 283; *Nathan v. Louisiana*, 8 How., 73; *Mager v. Grima et al.*, 8 How., 490; *United States v. Marigold*, 9 How., 560; *Cowley v. Board of Wardens of Port of Philadelphia*, 12 How., 299; *The Propeller Genesee Chief et al. v. Fitzhugh et al.*, 12 How., 443; *State of Pennsylvania v. The Wheeling Bridge Company*, 13 How., 518; *Veazie et al. v. Moor*, 14 How., 568; *Smith v. State of Maryland*, 18 How., 71; *State of Pennsylvania v. The Wheeling and Belmont Bridge Company et al.*, 18 How., 421; *Sinnitt v. Davenport*, 22 How., 227; *Foster et al. v. Davenport et al.*, 22 How., 244; *Conway et al. v. Taylor's ex.*, 1 Black, 603; *United States v. Holliday*, 3 Wall., 407; *Gilman v. Philadelphia*, 3 Wall., 713; *The Passaic Bridges*, 3 Wall., 782; *Steamship Company v. Port Wardens*, 6 Wall., 31; *Crandall v. State of Nevada*, 6 Wall., 35; *White's Bank v. Smith*, 7 Wall., 646; *Waring v. The Mayor*, 8 Wall., 110; *Paul v. Virginia*, 8 Wall., 168; *Thomson v. Pacific Railroad*, 9

Wall., 579; *Downham et al. v. Alexandria Council*, 10 Wall., 173; *The Clinton Bridge*, 10 Wall., 454; *The Daniel Ball*, 10 Wall., 557; *Liverpool Insurance Company v. Massachusetts*, 10 Wall., 566; *The Montello*, 11 Wall., 411; *Ex parte McNeil*, 13 Wall., 236; *State freight-tax*, 15 Wall., 232; *State tax on railway gross receipts*, 15 Wall., 284; *Osborn v. Mobile*, 16 Wall., 479; *Railroad Company v. Fuller*, 17 Wall., 560; *Bartemeyer v. Iowa*, 18 Wall., 129; *The Delaware railroad tax*, 18 Wall., 206; *Peete v. Morgan*, 19 Wall., 581; *Railroad Company v. Richmond*, 19 Wall., 584; *Railroad Company v. Maryland*, 21 Wall., 456; *The Lottawanna*, 21 Wall., 558; *Henderson et al. v. The Mayor of the City of New York*, 92 U. S., 259; *Chy Lung v. Freeman et al.*, 92 U. S., 275; *South Carolina v. Georgia et al.*, 93 U. S., 4; *Sherlock et al. v. Alling, adm.*, 93 U. S., 99; *United States v. Forty-three Gallons of Whisky, etc.*, 93 U. S., 188; *Foster v. Master and Wardens of the Port of New Orleans*, 94 U. S., 246; *Railroad Co. v. Husen*, 95 U. S., 465; *Pensacola Tel. Co. v. W. U. Tel. Co.*, 96 U. S., 1; *Beer Co. v. Massachusetts*, 97 U. S., 25; *Cook v. Pennsylvania*, 97 U. S., 566; *Packet Co. v. St. Louis*, 100 U. S., 423; *Wilson v. McNamee*, 102 U. S., 572.

<sup>4</sup>To establish an uniform Rule of Naturalization,<sup>1</sup> and uniform Laws on the subject of Bankruptcies throughout the United States;<sup>2</sup>

<sup>1</sup> *Sturges v. Crowningshield*, 4 Wh., 122; <sup>2</sup> *McMillan v. McNeil*, 4 Wh., 209; <sup>2</sup> *Farmers and Mechanics' Bank, Pennsylvania, v. Smith*, 6 Wh., 131; <sup>2</sup> *Ogden v. Saunders*, 12 Wh., 213; <sup>2</sup> *Boyle v. Zacharie and Turner*, 6 Pet., 348; <sup>1</sup> *Gassies v. Ballou*, 6 Pet., 761; <sup>2</sup> *Beers et al. v. Haughton*, 9 Pet., 329; <sup>2</sup> *Suydam et al. v. Broadnax*, 14 Pet., 67; <sup>2</sup> *Cook v. Moffat et al.*, 5 How., 295; <sup>1</sup> *Dred Scott v. Sanford*, 19 How., 393.

<sup>5</sup>To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

*Briscoe v. The Bank of the Commonwealth of Kentucky*, 11 Pet., 257; *Fox v. The State of Ohio*, 5 How., 410; *United States v. Marigold*, 9 How., 560.

<sup>6</sup>To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

*Fox v. The State of Ohio*, 5 How., 410; *United States v. Marigold*, 9 How., 560.

<sup>7</sup>To establish Post Offices and post Roads;

*State of Pennsylvania v. The Wheeling and Belmont Bridge Company*, 18 How., 421.

<sup>8</sup>To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

*Grant et al. v. Raymond*, 6 Pet., 218; *Wheaton et als. v. Peters et als.*, 8 Pet., 591.

<sup>9</sup> To constitute Tribunals inferior to the supreme Court;

<sup>10</sup> To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations ;

United States *v.* Palmer, 3 Wh., 610; United States *v.* Willberger, 5 Wh., 76; United States *v.* Smith, 5 Wh., 153; United States *v.* Pirates, 5 Wh., 184

<sup>11</sup> To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water ;

Brown *v.* United States, 8 Cr., 110; American Insurance Company et al. *v.* Canter (356 bales cotton), 1 Pet., 511; Mrs. Alexander's cotton, 2 Wall., 404; Miller *v.* United States, 11 Wall., 268, Tyler *v.* Defrees, 11 Wall., 331; Stewart *v.* Kahn, 11 Wall., 493; Hamilton *v.* Dillin, 21 Wall., 73; Lamar, ex., *v.* Browne et al., 92 U. S., 187.

<sup>12</sup> To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years ;

Crandall *v.* State of Nevada, 6 Wall., 35.

<sup>13</sup> To provide and maintain a Navy ;

United States *v.* Bevans, 3 Wh., 336; Dynes *v.* Hoover, 20 How., 65.

<sup>14</sup> To make Rules for the Government and Regulation of the land and naval Forces ;

<sup>15</sup> To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions ;

Houston *v.* Moore, 5 Wh., 1; Martin *v.* Mott, 12 Wh., 19; Luther *v.* Borden, 7 How., 1; Crandall *v.* State of Nevada, 6 Wall., 35; Texas *v.* White, 7 Wall., 700.

<sup>16</sup> To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress ;

Houston *v.* Moore, 5 Wh., 1; Martin *v.* Mott, 12 Wh., 19; Luther *v.* Borden, 7 How., 1.

<sup>17</sup> To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession

of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—  
And

Hepburn et al. *v.* Ellzey, 2 Cr., 444; Loughborough *v.* Blake, 5 Wh., 317; Cohens *v.* Virginia, 6 Wh., 264; American Insurance Company *v.* Canter (356 bales cotton), 1 Pet., 511; Kendall, Postmaster-General, *v.* The United States, 12 Pet., 524; United States *v.* Dewitt, 9 Wall., 41; Dunphy *v.* Kleinsmith et al., 11 Wall., 610; Willard *v.* Presbury, 14 Wall., 676; Phillips *v.* Payne, 92 U. S., 130; United States *v.* Fox, 94 U. S., 315; National Bank *v.* Yankton County, 101 U. S., 129.

<sup>18</sup>To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

McCulloch *v.* The State of Maryland, 4 Wh., 316; Wayman *v.* Southard, 10 Wh., 1; Bank of United States *v.* Halstead, 10 Wh., 51; Hepburn *v.* Griswold, 8 Wall., 603; National Bank *v.* Commonwealth, 9 Wall., 353; Thomson *v.* Pacific Railroad, 9 Wall., 579; Parker *v.* Davis, 12 Wall., 457; Railroad Company *v.* Johnson, 15 Wall., 195; Railroad Company *v.* Peniston, 18 Wall., 5; Legal Tender case, 110 U. S., 421.

SECTION. 9. <sup>1</sup>The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

Dred Scott *v.* Sanford, 19 How., 393.

<sup>2</sup>The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

United States *v.* Hamilton, 3 Dall., 17; Hepburn et al. *v.* Ellzey, 2 Cr., 445; Ex parte Bollman and Swartwout, 4 Cr., 75; Ex parte Kearney, 7 Wh., 38; Ex parte Tobias Watkins, 3 Pet., 192; Ex parte Milburn, 9 Pet., 704; Holmes *v.* Jennison et al., 14 Pet., 540; Ex parte Dorr, 3 How., 103; Luther *v.* Borden, 7 How., 1; Ableman *v.* Booth and United States *v.* Booth, 21 How., 506; Ex parte Vallandigham, 1 Wall., 243; Ex parte

Mulligan, 4 Wall., 2; *Ex parte McCardle*, 7 Wall., 506; *Ex parte Yerger*, 8 Wall., 85; *Tarble's case*, 13 Wall., 397; *Ex parte Lange*, 18 Wall., 163; *Ex parte Parks*, 93 U. S., 18; *Ex parte Karstendick*, 93 U. S., 396; *Ex parte Virginia*, 100 U. S., 339.

<sup>2</sup> No Bill of Attainder or ex post facto Law shall be passed.

*Fletcher v. Peck*, 6 Cr., 87; *Ogden v. Saunders*, 12 Wh., 213; *Watson et al. v. Mercer*, 8 Pet., 88; *Carpenter et al. v. Commonwealth of Pennsylvania*, 17 How., 456; *Locke v. New Orleans*, 4 Wall., 172; *Cummings v. the State of Missouri*, 4 Wall., 277; *Ex parte Garland*, 4 Wall., 333; *Drehman v. Stübe*, 8 Wall., 595; *Klinger v. State of Missouri*, 13 Wall., 257; *Pierce v. Carskadon*, 16 Wall., 234.

<sup>4</sup> No Capitation, or other direct, tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

*License Tax Cases*, 5 Wall., 462; *Springer v. United States*, 102 U. S., 586.

<sup>5</sup> No Tax or Duty shall be laid on Articles exported from any State.

*Cooley v. Board of Wardens of Port of Philadelphia*, 12 How., 299; *Page v. Burgess, collector*, 92 U. S., 372.

<sup>6</sup> No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

*Cooley v. Board of Wardens of Port of Philadelphia et al.*, 12 How., 299; *State of Pennsylvania v. Wheeling and Belmont Bridge Company et al.*, 18 How., 421; *Munn v. Illinois*, 94 U. S., 113; *Packet Co. v. St. Louis*, 100 U. S., 413; *Packet Co. v. Catlettsburg*, 105 U. S., 559.

<sup>7</sup> No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

<sup>8</sup> No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION. 10. <sup>1</sup> No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money;

emit Bills of Credit;<sup>1</sup> make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law,<sup>2</sup> or Law impairing the Obligation of Contracts,<sup>3</sup> or grant any Title of Nobility.

<sup>1</sup>Calder and wife v. Bull and wife, 3 Dall., 386; <sup>2</sup>Fletcher v. Peck, 6 Cr., 87; <sup>3</sup>State of New Jersey v. Wilson, 7 Cr., 164; <sup>4</sup>Sturgis v. Crowningshield, 4 Wh., 122; <sup>5</sup>McMillan v. McNeil, 4 Wh., 209; <sup>6</sup>Dartmouth College v. Woodward, 4 Wh., 518; <sup>7</sup>Owings v. Speed, 5 Wh., 420; <sup>8</sup>Farmers and Mechanics' Bank v. Smith, 6 Wh., 131; <sup>9</sup>Green et al. v. Biddle, 8 Wh., 1; <sup>10</sup>Ogden v. Saunders, 12 Wh., 213; <sup>11</sup>Mason v. Haile, 12 Wh., 370; <sup>12</sup>Satterlee v. Matthewson, 2 Pet., 380; <sup>13</sup>Hart v. Lamphire, 3 Pet., 280; <sup>14</sup>Craig et al. v. State of Missouri, 4 Pet., 410; <sup>15</sup>Providence Bank v. Billings and Pitman, 4 Pet., 514; <sup>16</sup>Byrne v. State of Missouri, 8 Pet., 40; <sup>17</sup>Watson v. Mercer, 8 Pet., 88; <sup>18</sup>Mumma v. Potomac Company, 8 Pet., 281; <sup>19</sup>Beers v. Haughton, 9 Pet., 329; <sup>20</sup>Briscoe et al. v. The Bank of the Commonwealth of Kentucky, 11 Pet., 257; <sup>21</sup>The Proprietors of Charles River Bridge v. The Proprietors of Warren Bridge, 11 Pet., 420; <sup>22</sup>Armstrong v. The Treasurer of Athens Company, 16 Pet., 281; <sup>23</sup>Bronson v. Kinzie et al., 1 How., 311; <sup>24</sup>McCracken v. Hayward, 2 How., 608; <sup>25</sup>Gordon v. Appeal Tax Court, 3 How., 133; <sup>26</sup>State of Maryland v. Baltimore and Ohio R. R. Co., 3 How., 534; <sup>27</sup>Neil, Moore & Co. v. State of Ohio, 3 How., 720; <sup>28</sup>Cook v. Moffatt, 5 How., 295; <sup>29</sup>Planters' Bank v. Sharp et al., 6 How., 301; <sup>30</sup>West River Bridge Company v. Dix et al., 6 How., 507; <sup>31</sup>Crawford et al. v. Branch Bank of Mobile, 7 How., 279; <sup>32</sup>Woodruff v. Trapnall, 10 How., 190; <sup>33</sup>Paup et al. v. Drew, 10 How., 218; <sup>34</sup>Baltimore and Susquehanna R. R. Co. v. Nesbitt et al., 10 How., 395; <sup>35</sup>Butler et al. v. Pennsylvania, 10 How., 402; <sup>36</sup>Darrington et al. v. the Bank of Alabama, 13 How., 12; <sup>37</sup>Richmond, &c., R. R. Co. v. The Louise R. R. Co., 13 How., 71; <sup>38</sup>Trustees for Vincennes University v. State of Indiana, 14 How., 268; <sup>39</sup>Curran v. State of Arkansas et al., 15 How., 304; <sup>40</sup>State Bank of Ohio v. Knoop, 16 How., 369; <sup>41</sup>Carpenter et al. v. Commonwealth of Pennsylvania, 17 How., 456; <sup>42</sup>Dodge v. Woolsey, 18 How., 331; <sup>43</sup>Beers v. State of Arkansas, 20 How., 527; <sup>44</sup>Aspinwall et al. v. Commissioners of County of Daviess, 22 How., 364; <sup>45</sup>Rector of Christ Church, Philadelphia, v. County of Philadelphia, 24 How., 300; <sup>46</sup>Howard v. Bugbee, 24 How., 461; <sup>47</sup>Jefferson Branch Bank v. Skelley, 1 Black, 436; <sup>48</sup>Franklin Branch Bank v. State of Ohio, 1 Black, 474; <sup>49</sup>Trustees of the Wabash and Erie Canal Company v. Beers, 2 Black, 448; <sup>50</sup>Gilman v. City of Sheboygan, 2 Black, 510; <sup>51</sup>Bridge Proprietors v. Hoboken Company, 1 Wall., 116; <sup>52</sup>Hawthorne v. Calef, 2 Wall., 10; <sup>53</sup>The Binghamton Bridge, 3 Wall., 51; <sup>54</sup>The Turnpike Company v. The State, 3 Wall., 210; <sup>55</sup>Locke v. City of New Orleans, 4 Wall., 172; <sup>56</sup>Railroad Company v. Rock, 4 Wall., 177; <sup>57</sup>Cummings v. State of Missouri, 4 Wall., 277; <sup>58</sup>Ex parte Garland, 4 Wall., 333; <sup>59</sup>Von Hoffman v. City of Quincy, 4 Wall., 535; <sup>60</sup>Mulligan v. Corbin, 7 Wall., 487; <sup>61</sup>Furman v. Nichol, 8 Wall., 44; <sup>62</sup>Home of the Friendless v. Rouse, 8 Wall., 430; <sup>63</sup>The Washington University v. Rouse, 8 Wall., 439; <sup>64</sup>Butz v. City of Muscatine, 8 Wall., 575; <sup>65</sup>Drehman v. Stifle, 8 Wall., 595; <sup>66</sup>Hepburn v. Griswold, 8 Wall., 603; <sup>67</sup>Gut v. The State, 9 Wall., 35; <sup>68</sup>Railroad Company v. McClure, 10 Wall., 511; <sup>69</sup>Parker v. Davis, 12

Wall., 457; <sup>1</sup>Curtis v. Whiting, 13 Wall., 68; <sup>2</sup>Pennsylvania College Cases, 13 Wall., 190; <sup>3</sup>Wilmington R. R. v. Reid, sheriff, 13 Wall., 264; <sup>4</sup>Salt Company v. East Saginaw, 13 Wall., 373; <sup>5</sup>White v. Hart, 13 Wall., 646; <sup>6</sup>Osborn v. Nicholson et al., 13 Wall., 654; <sup>7</sup>Railroad Company v. Johnson, 15 Wall., 195; <sup>8</sup>Case of the State tax on foreign-held bonds, 15 Wall., 300; <sup>9</sup>Tomlinson v. Jessup, 15 Wall., 454; <sup>10</sup>Tomlinson v. Branch, 15 Wall., 460; <sup>11</sup>Miller v. The State, 15 Wall., 478; <sup>12</sup>Holyoke Company v. Lyman, 15 Wall., 500; <sup>13</sup>Gunn v. Barry, 15 Wall., 610; <sup>14</sup>Humphrey v. Pegues, 16 Wall., 244; <sup>15</sup>Walker v. Whitehead, 16 Wall., 314; <sup>16</sup>Sohn v. Waterson, 17 Wall., 596; <sup>17</sup>Barings v. Dabney, 19 Wall., 1; <sup>18</sup>Head v. The University, 19 Wall., 526; <sup>19</sup>Pacific R. R. Co. v. Maguire, 20 Wall., 36; <sup>20</sup>Garrison v. The City of New York, 21 Wall., 196; <sup>21</sup>Ochiltree v. The Railroad Company, 21 Wall., 249; <sup>22</sup>Wilmington, &c., Railroad v. King, ex., 91 U. S., 3; <sup>23</sup>County of Moultrie v. Rockingham Ten Cent Savings Bank, 92 U. S., 631; <sup>24</sup>Home Insurance Company v. City Council of Augusta, 93 U. S., 116; <sup>25</sup>West Wisconsin R. R. Co. v. Supervisors, 93 U. S., 595; <sup>26</sup>Murray v. Charleston, 96 U. S., 432; <sup>27</sup>Edwards v. Kearzey, 96 U. S., 595; <sup>28</sup>Keith v. Clark, 97 U. S., 454; <sup>29</sup>Railroad Co. v. Georgia, 98 U. S., 359; <sup>30</sup>Railroad Co. v. Tennessee, 101 U. S., 337; <sup>31</sup>Wright v. Nagle, 101 U. S., 791; <sup>32</sup>Stone v. Mississippi, 101 U. S., 814; <sup>33</sup>Railroad Co. v. Alabama, 101 U. S., 832; <sup>34</sup>Louisiana v. New Orleans, 101 U. S., 203; <sup>35</sup>Hall v. Wisconsin, 103 U. S., 5; <sup>36</sup>Pennyman's case, 103 U. S., 714; <sup>37</sup>Guaranty Co. v. Board of Liquidation, 105 U. S., 622; <sup>38</sup>Greenwood v. Freight Co., 105 U. S., 13; <sup>39</sup>Kring v. Missouri, 107 U. S., 221; <sup>40</sup>Louisiana v. New Orleans, 109 U. S., 285; <sup>41</sup>Gillfillan v. Union Canal Co., 109 U. S., 401; <sup>42</sup>Nelson v. St. Martin's Parish, 111 U. S., 716.

<sup>1</sup> No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controut of the Congress.

McCulloch v. State of Maryland, 4 Wh., 316; Gibbons v. Ogden, 9 Wh., 1; Brown v. The State of Maryland, 12 Wh., 419; Mager v. Grima et al., 8 How., 490; Cooley v. Board of Wardens of Port of Philadelphia et al., 12 How., 299; Almy v. State of California, 24 How., 169; License Tax Cases, 5 Wall., 462; Crandall v. State of Nevada, 6 Wall., 35; Waring v. The Mayor, 8 Wall., 110; Woodruff v. Perham, 8 Wall., 123; Hinson v. Lott, 8 Wall., 148; State Tonnage Tax Cases, 12 Wall., 204; State tax on railway gross receipts, 15 Wall., 284; Inman Steamship Company v. Tinker, 94 U. S., 238; Cook v. Pennsylvania, 97 U. S., 566; Packet Co. v. Keokuk, 95, U. S., 80; People v. Compagnie Général Transatlantique, 107 U. S., 59.

<sup>2</sup> No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter

into an Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

*Green v. Biddle*, 8 Wh., 1; *Poole et al. v. The Lessee of Fleece et al.*, 11 Pet., 185; *Cooley v. Board of Wardens of Port of Philadelphia et al.*, 12 How., 299; *Peete v. Morgan*, 19 Wall., 581; *Cannon v. New Orleans*, 20 Wall., 577; *Inman Steamship Company v. Tinker*, 94 U. S., 238; *Packet Co. v. St. Louis*, 100 U. S., 423; *Packet Co. v. Keokuk*, 95 U. S., 80; *Vicksbury v. Tobin*, 100 U. S., 430; *Packet Co. v. Catlettsburg*, 105 U. S., 559.

## ARTICLE. II.

SECTION. 1. <sup>1</sup>The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows :

<sup>2</sup>Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

*Chisholm, ex., v. Georgia*, 2 Dall., 419; *Leitensdorfer et al. v. Webb*, 20 How., 176; *Ex parte Siebold*, 100 U. S., 271.

[“The electors shall meet in their respective States, and vote by ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members



from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice-President."]

This clause has been superseded by the twelfth amendment, p 64.

<sup>3</sup>The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

<sup>4</sup>No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

*English v. The Trustees of the Sailors' Snug Harbor, 3 Pet., 99.*

<sup>5</sup>In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

<sup>6</sup>The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

<sup>7</sup>Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

SECTION. 2. 'The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

United States *v* Wilson, 7 Pet., 150; Ex parte William Wells, 18 How., 307; Ex parte Garland, 4 Wall., 333; Armstrong's Foundry, 6 Wall., 766; The Grape Shot, 9 Wall., 129; United States *v* Padelford, 9 Wall., 542; United States *v* Klein, 13 Wall., 128; Armstrong *v* The United States, 13 Wall., 152; Fargoud *v* The United States, 13 Wall., 156; Hamilton *v* Dillin, 21 Wall., 73; Mechanics and Traders' Bank *v* Union Bank, 22 Wall., 276; Lamar, ex., *v* Browne et al., 92 U. S., 187; Wallach et al. *v* Van Riswick, 92 U. S., 202.

<sup>2</sup>He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

Ware *v* Hylton et al., 3 Dall., 199; Marbury *v* Madison, 1 Cr., 137; United States *v* Kirkpatrick, 9 Wh., 720; American Insurance Company *v* Canter (356 bales cotton), 1 Pet., 511; Foster and Elam *v* Neilson, 2 Pet., 253; Cherokee Nation *v* State of Georgia, 5 Pet., 1; Patterson *v* Gwinn et al., 5 Pet., 233; Worcester *v* State of Georgia, 6 Pet., 515; City of New Orleans *v* De Armas et al., 9 Pet., 224; Holden *v* Joy, 17 Wall., 211.

<sup>3</sup>The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

The United States *v* Kirkpatrick et al., 9 Wh., 720.

SECTION. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

*Marbury v. Madison*, 1 Cr., 137; *Kendall, Postmaster-General, v. The United States*, 12 Pet., 524; *Luther v. Borden*, 7 How., 1; *The State of Mississippi v. Johnson, President*, 4 Wall., 475; *Stewart v. Kahn*, 11 Wall., 493.

SECTION. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

### ARTICLE III.

SECTION. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

*Chisholm, ex., v. Georgia*, 2 Dall., 419; *Stuart v. Laird*, 1 Cr., 299; *United States v. Peters*, 5 Cr., 115; *Cohens v. Virginia*, 6 Cr., 264; *Martin v. Hunter's Lessee*, 1 Wh., 304; *Osborn v. United States Bank*, 9 Wh., 738; *Benner et al. v. Porter*, 9 How., 235; *The United States v. Ritchie*, 17 How., 525; *Murray's Lessee et. al v. Hoboken Land and Improvement Company*, 18 How., 272; *Ex parte Vallandigham*, 1 Wall., 243; *Ames v. Kansas*, 111 U. S., 449.

SECTION. 2. <sup>1</sup> The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United

States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

Hayburn's case (note), 2 Dall., 410; *Chisholm, ex., v. Georgia*, 2 Dall., 419; *Glass et al. v. Sloop Betsey*, 3 Dall., 6; *United States v. La Vengeance*, 3 Dall., 297; *Hollingsworth et al v. Virginia*, 3 Dall., 378; *Mossman, ex., v. Higginson*, 4 Dall., 12; *Marbury v. Madison*, 1 Cr., 137; *Hepburn et al. v. Ellezley*, 2 Cr., 444; *United States v. Moore*, 3 Cr., 159; *Strawbridge et al. v. Curtiss et al.*, 3 Cr., 267; *Ex parte Bollman and Swartwout*, 4 Cr., 75; *Rose v. Himely*, 4 Cr., 241; *Chappelaine et al. v. Dechenaux*, 4 Cr., 305; *Hope Insurance Company v. Boardman et al.*, 5 Cr., 57; *Bank of United States v. Devaux et al.*, 5 Cr., 61; *Hodgson et al. v. Bowerbank et al.*, 5 Cr., 303; *Owings v. Norwood's Lessee*, 5 Cr., 344; *Durousseau v. The United States*, 6 Cr., 307; *United States v. Hudson and Goodwin*, 7 Cr., 32; *Martin v. Hunter*, 1 Wh., 304; *Colson et al v. Lewis*, 2 Wh., 377; *United States v. Bevens*, 3 Wh., 336; *Cohens v. Virginia*, 6 Wh., 264; *Ex parte Kearney*, 7 Wh., 38; *Matthews v. Zane*, 7 Wh., 164; *Osborn v. United States Bank*, 9 Wh., 738; *United States v. Ortega*, 11 Wh., 467; *American Insurance Company v. Canter* (356 bales cotton), 1 Pet., 511; *Jackson v. Twentyman*, 2 Pet., 136; *Cherokee Nation v. State of Georgia*, 5 Pet., 1; *State of New Jersey v. State of New York*, 5 Pet., 283; *Davis v. Packard et al.*, 6 Pet., 41; *United States v. Arredondo et al.*, 6 Pet., 691; *Davis v. Packard et al.*, 7 Pet., 276; *Breedlove et al. v. Nickolet et al.*, 7 Pet., 413; *Brown v. Keene*, 8 Pet., 112; *Davis v. Packard et al.*, 8 Pet., 312; *City of New Orleans v. De Armas et al.*, 9 Pet., 224; *The State of Rhode Island v. The Commonwealth of Massachusetts*, 12 Pet., 657; *The Bank of Augusta v. Earle*, 13 Pet., 519; *The Commercial and Railroad Bank of Vicksburg v. Slocumb et al.*, 14 Pet., 60; *Suydam et al. v. Broadnax*, 14 Pet., 67; *Prigg v. The Commonwealth of Pennsylvania*, 16 Pet., 539; *Louisville, Cincinnati and Charleston Railway Company v. Letson*, 2 How., 497; *Cary et als. v. Curtis*, 3 How., 236; *Warring v. Clark*, 5 How., 441; *Luther v. Borden*, 7 How., 1; *Sheldon et al v. Sill*, 8 How., 441; *The Propeller Genessee Chief v. Fitzhugh et al.*, 12 How., 443; *Fretz et al. v. Ball et al.*, 12 How., 466; *Neves et al., v. Scott et al.*, 13 How., 268; *State of Pennsylvania v. The Wheeling, &c., Bridge Company et al.*, 13 How., 518; *Marshall v. The Baltimore and Ohio R. R. Co.*, 16 How., 314; *The United States v. Guthrie*, 17 How., 284; *Smith v. State of Maryland*, 18 How., 71; *Jones et al. v. League*, 18 How., 76; *Murray's Lessee et al. v. Hoboken Land and Improvement Company*, 18 How., 272; *Hyde et al. v. Stone*, 20 How., 170; *Irvine v. Marshall et al.*, 20 How., 558; *Fenn v. Holmes*, 21 How., 481; *Moorewood et al. v. Erequist*, 23 How., 491; *Commonwealth of Kentucky v. Dennison, Governor*, 24 How., 66;

Ohio and Mississippi Railroad Company *v.* Wheeler, 1 Black, 286; The Steamer Saint Lawrence, 1 Black, 522; The Propeller Commerce, 1 Black, 374; *Ex parte* Vallandigham, 1 Wall, 243; *Ex parte* Milligan, 4 Wall., 13; The Moses Taylor, 4 Wall., 411. State of Mississippi *v.* Johnson, President, 4 Wall., 475; The Hine *v.* Trevor, 4 Wall., 555; City of Philadelphia *v.* The Collector, 5 Wall., 720; State of Georgia *v.* Stanton, 6 Wall., 50; Payne *v.* Hook, 7 Wall., 425; The Alicia, 7 Wall., 571; *Ex parte* Yerger, 8 Wall., 85; Insurance Company *v.* Dunham, 11 Wall., 1; Virginia *v.* West Virginia, 11 Wall., 39; Coal Company *v.* Blatchford, 11 Wall., 172; Railway Company *v.* Whitton's adm., 13 Wall., 270; Tarble's Case, 13 Wall., 397; Blyew et al. *v.* The United States, 13 Wall., 581; Davis *v.* Gray, 16 Wall., 203; Case of the Sewing Machine Companies, 18 Wall., 553; Insurance Company *v.* Morse, 20 Wall., 445; Vannevar *v.* Bryant, 21 Wall., 41; The Lottawanna, 21 Wall., 558; Gaines *v.* Fuentes et al., 92 U. S., 10; Miller *v.* Dows, 94 U. S., 444; Doyle *v.* Continental Insurance Company, 94 U. S., 535; Tennessee *v.* Davis, 100 U. S., 257.

**<sup>2</sup>In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.**

Chisholm, ex., *v.* Georgia, 2 Dall., 419; Wiscart et al. *v.* Dauchy, 3 Dall., 321; Marbury *v.* Madison, 1 Cr., 137; Duroiseau et al. *v.* United States, 6 Cr., 307; Martin *v.* Hunter's Lessee, 1 Wh., 304; Cohens *v.* Virginia, 6 Wh., 234; *Ex parte* Kearney, 7 Wh., 38; Wayman *v.* Southard, 10 Wh., 1; Bank of the United States *v.* Halstead, 10 Wh., 51; United States *v.* Ortega, 11 Wh., 467; The Cherokee Nation *v.* The State of Georgia, 5 Pet., 1; *Ex parte* Crane et als., 5 Pet., 189; The State of New Jersey *v.* The State of New York, 5 Pet., 283; *Ex parte* Sibbald *v.* United States, 12 Pet., 488; The State of Rhode Island *v.* The State of Massachusetts, 12 Pet., 657; State of Pennsylvania *v.* The Wheeling, &c., Bridge Company, 13 How., 518; *In re* Kaine, 14 How., 103; Ableman *v.* Booth and United States *v.* Booth, 21 How., 506; Freeborn *v.* Smith, 2 Wall., 160; *Ex parte* McCardle, 6 Wall., 318; *Ex parte* McCardle, 7 Wall., 506; *Ex parte* Yerger, 8 Wall., 85; The Lucy, 8 Wall., 307; The Justices *v.* Murray, 9 Wall., 274; Pennsylvania *v.* Quicksilver Company, 10 Wall., 553; Murdock *v.* City of Memphis, 20 Wall., 590; Börs *v.* Preston, 111 U. S., 252; Ames *v.* Kansas, 111 U. S., 449.

**<sup>3</sup>The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.**

*Ex parte* Milligan, 4 Wall., 2.

SECTION. 3. <sup>1</sup>Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

United States *v.* The Insurgents, 2 Dall., 335; United States *v.* Mitchell, 2 Dall., 348; *Ex parte* Bollman and Swartwout, 4 Cr., 75; United States *v.* Aaron Burr, 4 Cr., 469.

<sup>2</sup>The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Bigelow *v.* Forest, 9 Wall., 339; Day *v.* Micou, 18 Wall., 156; *Ex parte* Lange, 18 Wall., 163; Wallach et al. *v.* Van Riswick, 92 U. S., 202.

#### ARTICLE. IV.

SECTION. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Mills *v.* Duryee, 7 Cr., 481; Hampton *v.* McConnel, 3 Wh., 234; Mayhew *v.* Thatcher, 6 Wh., 129; Darby's Lessee *v.* Mayer, 10 Wh., 465; The United States *v.* Amedy, 11 Wh., 392; Caldwell et al. *v.* Carrington's heirs, 9 Pet., 86; M'Elmoyle *v.* Cohen, 13 Pet., 312; The Bank of Augusta *v.* Earle, 13 Pet., 519; Bank of the State of Alabama *v.* Dalton, 9 How., 522; D'Arcy *v.* Ketchum, 11 How., 165; Christmas *v.* Russell, 5 Wall., 290; Green *v.* Van Buskirk, 7 Wall., 139; Paul *v.* Virginia, 8 Wall., 168; Board of Public Works *v.* Columbia College, 17 Wall., 521; Thompson *v.* Whitman, 18 Wall., 457; Bonaparte *v.* Tax Court, 104 U. S., 592.

SECTION. 2. <sup>1</sup>The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

Bank of United States *v.* Devereux, 5 Cr., 61; Gassies *v.* Ballou, 6 Pet., 761; The State of Rhode Island *v.* The Commonwealth of Massachusetts, 12 Pet., 657; The Bank of Augusta *v.* Earle, 13 Pet., 519; Moore *v.* The People of the State of Illinois, 14 How., 13; Conner et al. *v.* Elliott et al., 18 How., 591; Dred Scott *v.* Sanford, 19 How., 393;

*Crandall v. State of Nevada*, 6 Wall., 35; *Woodruff v. Parham*, 8 Wall., 123; *Paul v. Virginia*, 8 Wall., 168; *Downham v. Alexandria Council*, 10 Wall., 173; *Liverpool Insurance Company v. Massachusetts*, 10 Wall., 566; *Ward v. Maryland*, 12 Wall., 418; *Slaughterhouse Cases*, 16 Wall., 36; *Bradwell v. The State*, 16 Wall., 130; *Chemung Bank v. Lowery*, 93 U. S., 72; *McCready v. Virginia*, 94 U. S., 391.

<sup>1</sup>A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

*Holmes v. Jennison et al.*, 14 Pet., 540; *Commonwealth of Kentucky v. Dennison, governor*, 24 How., 66; *Taylor v. Tainter*, 16 Wall., 366.

<sup>2</sup>No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

*Prigg v. The Commonwealth of Pennsylvania*, 16 Pet., 539; *Jones v. Van Zandt*, 5 How., 215; *Strader et al. v. Graham*, 10 How., 82; *Moore v. The People of the State of Illinois*, 14 How., 13; *Dred Scott v. Sanford*, 19 How., 393; *Ableman v. Booth and United States v. Booth*, 21 How., 506.

SECTION. 3. <sup>1</sup>New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

*American Insurance Company et al. v. Canter* (356 bales cotton), 1 Pet., 511; *Pollard's Lessee v. Hagan*, 3 How., 212; *Cross et al. v. Harrison*, 16 How., 164.

<sup>2</sup>The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution

shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

*McCulloch v. State of Maryland*, 4 Wh., 316; *American Insurance Company v. Canter*, 1 Pet., 511; *United States v. Gratiot et al.*, 14 Pet., 526; *United States v. Rogers*, 4 How., 567; *Cross et al. v. Harrison*, 16 How., 164; *Muckey et al. v. Cox*, 18 How., 100; *Gibson v. Chouteau*, 13 Wall., 92; *Clinton v. Englebert*, 13 Wall., 434; *Beall v. New Mexico*, 16 Wall., 535.

SECTION. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

*Luther v. Borden*, 7 How., 1; *Texas v. White*, 7 Wall., 700.

## ARTICLE. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

## ARTICLE. VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.



<sup>3</sup>This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Hayburn's case, 2 Dall., 409; Ware v. Hylton, 3 Dall., 199; Calder and wife v. Bull and wife, 3 Dall., 386; Marbury v. Madison, 1 Cr., 137; Chirac v. Chirac, 2 Wh., 259; McCulloch v. The State of Maryland, 4 Wh., 316; Society v. New Haven, 8 Wh., 464; Gibbons v. Ogden, 9 Wh., 1; Foster and Elam v. Neilson, 2 Pet., 253; Buckner v. Finley, 2 Pet., 586; Worcester v. State of Georgia, 6 Pet., 515; Kennett et al. v. Chambers, 14 How., 38; Dodge v. Woolsey, 18 How., 331; State of New York v. Dibble, 21 How., 366; Ableman v. Booth and United States v. Booth, 21 How., 506; Sinnot v. Davenport, 22 How., 227; Foster v. Davenport, 22 How., 244; Haver v. Yaker, 9 Wall., 32.

<sup>4</sup>The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Ex parte Garland, 4 Wall., 333.

## ARTICLE. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. **In Witness** whereof We have hereunto subscribed our Names,

G<sup>o</sup> WASHINGTON—

*Presidt. and Deputy from Virginia*

*Constitution.**New Hampshire.*

JOHN LANGDON,

NICHOLAS GILMAN.

*Massachusetts.*

NATHANIEL GORHAM,

RUFUS KING.

*Connecticut.*

WM. SAML. JOHNSON,

ROGER SHERMAN.

*New York.*

ALEXANDER HAMILTON.

*New Jersey.*

WIL: LIVINGSTON,

WM. PATERSON,

DAVID BREARLEY,

JONA. DAYTON.

*Pennsylvania.*

B. FRANKLIN,

THOMAS MIFFLIN,

ROBT. MORRIS,

GEO: CLYMER,

THO: FITZSIMONS,

JARED INGERSOLL,

JAMES WILSON,

GOUV: MORRIS.

*Delaware.*

GEO: READ,

GUNNING BEDFORD, JUN'r,

JOHN DICKINSON,

RICHARD BASSETT.

JACO: BROOM,

*Maryland.*

JAMES M'HENRY,

DAN: OF ST. THOS. JENIFER,

DANL CARROLL

*Virginia.*

JOHN BLAIR,

JAMES MADISON, JR,

*North Carolina.*

WM. BLOUNT,

RICH'D DOBBS SPAIGHT,

HU. WILLIAMSON.

*South Carolina.*

J. RUTLEDGE,

CHARLES COTESWORTH PINCKNEY,

CHARLES PINCKNEY,

PIERCE BUTLER.

*Georgia.*

WILLIAM FEW,

ABR. BALDWIN.

Attest:

WILLIAM JACKSON, *Secretary.*

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

[ARTICLE I.]\*

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

*Terret et al. v. Taylor et al.*, 9 Cr., 43; *Vidal et al. v. Girard et al.*, 2 How., 127; *Ex parte Garland*, 4 Wall., 333; *United States v. Cruikshank et al.*, 92 U. S., 542; *Reynolds v. United States*, 98 U. S., 145.

[ARTICLE II.]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

[ARTICLE III.]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

[ARTICLE IV.]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be

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\* The first ten amendments to the Constitution of the United States were proposed to the legislatures of the several States by the First Congress, on the 25th of September, 1789. They were ratified by the following States, and the notifications of ratification by the governors thereof were successively communicated by the President to Congress: New Jersey, November 20, 1789; Maryland, December 19, 1789; North Carolina, December 22, 1789; South Carolina, January 19, 1790; New Hampshire, January 25, 1790; Delaware, January 28, 1790; Pennsylvania, March 10, 1790; New York, March 27, 1790; Rhode Island, June 15, 1790; Vermont, November 3, 1791, and Virginia, December 15, 1791. There is no evidence on the journals of Congress that the legislatures of Connecticut, Georgia, and Massachusetts ratified them.

violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

*Smith v. State of Maryland*, 18 How., 71; *Murray's Lessee et al. v. Hoboken Land and Improvement Company*, 18 How., 272; *Ex parte Milligan*, 4 Wall., 2.

### [ARTICLE V.]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

*United States v. Perez*, 9 Wh., 579; *Barron v. The City of Baltimore*, 7 Pet., 243; *Fox v. Ohio*, 5 How., 410; *West River Bridge Company v. Dix et al.*, 6 How., 507; *Mitchell v. Harmony*, 13 How., 115; *Moore, ex. v. The People of the State of Illinois*, 14 How., 13; *Murray's Lessee et al. v. Hoboken Land and Improvement Company*, 18 How., 272; *Dynes v. Hoover*, 20 How., 65; *Withers v. Buckley et al.*, 20 How., 84; *Gilman v. The City of Sheboygan*, 2 Black, 510; *Ex parte Milligan*, 4 Wall., 2; *Twitchell v. The Commonwealth*, 7 Wall., 321; *Hepburn v. Griswold*, 8 Wall., 603; *Miller v. United States*, 11 Wall., 268; *Legal Tender Cases*, 12 Wall., 457; *Pumpelly v. Green Bay Company*, 13 Wall., 166; *Osborn v. Nicholson*, 13 Wall., 654; *Ex parte Lange*, 18 Wall., 163; *Kohl et al. v. United States*, 91 U. S., 367.

### [ARTICLE VI.]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Wit-

nesses in his favor, and to have the Assistance of Counsel for his defence.

United States *v.* Cooleage, 1 Wh., 415; *Ex parte* Kearney, 7 Wh., 38; United States *v.* Mills, 7 Pet., 142; Barron *v.* City of Baltimore, 7 Pet., 243; Fox *v.* Ohio, 5 How., 410; Withers *v.* Buckley et al., 20 How., 84; *Ex parte* Milligan, 4 Wall., 2; Twitchell *v.* The Commonwealth, 7 Wall., 321; Miller *v.* The United States, 11 Wall., 268; United States *v.* Cook, 17 Wall., 168; United States *v.* Cruikshank et al., 92 U. S., 542.

### [ARTICLE VII.]

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

United States *v.* La Vengeance, 3 Dall., 297; Bank of Columbia *v.* Oakley, 4 Wh., 235; Parsons *v.* Bedford et al., 3 Pet., 433; Lessee of Livingston *v.* Moore et al., 7 Pet., 469; Webster *v.* Reid, 11 How., 437; State of Pennsylvania *v.* The Wheeling, &c., Bridge Company et al., 13 How., 518; The Justices *v.* Murray, 9 Wall., 274; Edwards *v.* Elliott et al., 21 Wall., 532; Pearson *v.* Yewdall, 95 U. S., 294; McElrath *v.* United States, 102 U. S., 426.

### [ARTICLE VIII.]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

*Pervear v. Commonwealth*, 5 Wall., 475.

### [ARTICLE IX.]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

*Lessee of Livingston v. Moore et al.*, 7 Pet., 469.

### [ARTICLE X.]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

*Chisholm, ex., v. State of Georgia*, 2 Dall., 419; *Hollingsworth et al. v. The State of Virginia*, 3 Dall., 378; *Martin v. Hunter's Lessee*, 1 Wh.,

304; *McCulloch v. State of Maryland*, 4 Wh., 316; *Anderson v. Dunn*, 6 Wh., 204; *Cohens v. Virginia*, 6 Wh., 264; *Osborn v. United States Bank*, 9 Wh., 738; *Buchler v. Finley*, 2 Pet., 586; *Ableman v. Booth*, 21 How., 506; *The Collector v. Day*, 11 Wall., 113; *Claffin v. Houseman, assignee*, 93 U. S., 130; *Inman Steamship Company v. Tinker*, 94 U. S., 238.

## ARTICLE XI.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

*State of Georgia v. Brailsford et al.*, 2 Dall., 402; *Chisholm, ex., v. State of Georgia*, 2 Dall., 419; *Hollingsworth et al. v. Virginia*, 3 Dall., 378; *Cohen v. Virginia*, 6 Wh., 264; *Osborn v. United States Bank*, 9 Wh., 738; *United States v. The Planters' Bank*, 9 Wh., 904; the Governor of Georgia *v. Juan Madrazo*, 1 Pet., 110; *Cherokee Nation v. State of Georgia*, 5 Pet., 1; *Briscoe v. The Bank of the Commonwealth of Kentucky*, 11 Pet., 257; *Curran v. State of Arkansas et al.*, 15 How., 304; *New Hampshire v. Louisiana*, 108 U. S., 76.

The eleventh amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Third Congress, on the 5th September, 1794; and was declared in a message from the President to Congress, dated the 8th of January, 1798, to have been ratified by the legislatures of three-fourths of the States.

## ARTICLE XII.

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and

the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

The twelfth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Eighth Congress, on the 12th of December, 1803, in lieu of the original third paragraph of the first section of the second article; and was declared in a proclamation of the Secretary of State, dated the 25th of September, 1804, to have been ratified by the legislatures of three-fourths of the States.

### ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly con-

victed, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

*Dred Scott v. Sanford*, 19 How., 393; *White v. Hart*, 13 Wall., 646; *Osborn v. Nicholson*, 13 Wall., 654; *Slaughter-house Cases*, 16 Wall., 36; *Ex parte Virginia*, 100 U. S., 339; *Civil Rights case*, 109 U. S., 3.

The thirteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Thirty-eighth Congress, on the 1st of February, 1865, and was declared, in a proclamation of the Secretary of State, dated the 18th of December, 1865, to have been ratified by the legislatures of twenty-seven of the thirty-six States, viz: Illinois, Rhode Island, Michigan, Maryland, New York, West Virginia, Maine, Kansas, Massachusetts, Pennsylvania, Virginia, Ohio, Missouri, Nevada, Indiana, Louisiana, Minnesota, Wisconsin, Vermont, Tennessee, Arkansas, Connecticut, New Hampshire, South Carolina, Alabama, North Carolina, and Georgia.

#### ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

*Strauder v. West Virginia*, 100 U. S., 303; *Virginia v. Rivers*, 100 U. S., 313; *Ex parte Virginia*, 100 U. S., 339; *Missouri v. Lewis*, 101 U. S., 22; *Civil Rights Cases*, 109 U. S., 3; *Louisiana v. New Orleans*, 109 U. S., 285; *Hurtado v. California*, 110 U. S., 516; *Hagar v. Reclamation Dist.*, 111 U. S., 701.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male in-



habitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

**SECTION 3.** No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

**SECTION 4.** The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

**SECTION 5.** The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

*Crandall v. the State of Nevada*, 6 Wall., 35; *Paul v. Virginia*, 8 Wall., 168; *Ward v. Maryland*, 12 Wall., 418; *Slaughter-house Cases*, 16 Wall., 36; *Bradwell v. The State*, 16 Wall., 130; *Bartemeyer v. Iowa*, 18 Wall., 129; *Minor v. Happersett*, 21 Wall., 162; *Walker v. Sauvinet*, 92 U. S., 90; *Kennard v. Louisiana*, ex rel. Morgan, 92 U. S., 480; *United States v. Cruikshank*, 92 U. S., 542; *Munn v. Illinois*, 94 U. S., 113.

The fourteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Thirty-ninth Con-

gress, on the 16th of June, 1866. On the 21st of July, 1868, Congress adopted and transmitted to the Department of State a concurrent resolution declaring that "the legislatures of the States of Connecticut, Tennessee, New Jersey, Oregon, Vermont, New York, Ohio, Illinois, West Virginia, Kansas, Maine, Nevada, Missouri, Indiana, Minnesota, New Hampshire, Massachusetts, Nebraska, Iowa, Arkansas, Florida, North Carolina, Alabama, South Carolina, and Louisiana, being three fourths and more of the several States of the Union, have ratified the fourteenth article of amendment to the Constitution of the United States, duly proposed by two-thirds of each House of the Thirty-ninth Congress. Therefore *Resolved*, That said fourteenth article is hereby declared to be a part of the Constitution of the United States, and it shall be duly promulgated as such by the Secretary of State." The Secretary of State accordingly issued a proclamation, dated the 28th of July, 1868, declaring that the proposed fourteenth amendment had been ratified, in the manner hereafter mentioned, by the legislatures of thirty of the thirty-six States, viz: Connecticut, June 30, 1866; New Hampshire, July 7, 1866; Tennessee, July 19, 1866; New Jersey, September 11, 1866, (and the legislature of the same State passed a resolution in April, 1868, to withdraw its consent to it;) Oregon, September 19, 1866; Vermont, November 9, 1866; Georgia rejected it November 13, 1866, and ratified it July 21, 1868; North Carolina rejected it December 4, 1866, and ratified it July 4, 1868; South Carolina rejected it December 20, 1866, and ratified it July 9, 1868; New York ratified it January 10, 1867; Ohio ratified it January 11, 1867, (and the legislature of the same State passed a resolution in January, 1868, to withdraw its consent to it;) Illinois ratified it January 15, 1867; West Virginia, January 16, 1867; Kansas, January 18, 1867; Maine, January 19, 1867; Nevada, January 22, 1867; Missouri, January 26, 1867; Indiana, January 29, 1867; Minnesota, February 1, 1867; Rhode Island, February 7, 1867; Wisconsin, February 13, 1867; Pennsylvania, February 13, 1867; Michigan, February 15, 1867; Massachusetts, March 20, 1867; Nebraska, June 15, 1867; Iowa, April 3, 1868; Arkansas, April 6, 1868; Florida, June 9, 1868; Louisiana, July 9, 1868; and Alabama, July 13, 1868. Georgia again ratified the amendment February 2, 1870. Texas rejected it November 1, 1866, and ratified it February 18, 1870. Virginia rejected it January 19, 1867, and ratified October 8, 1869. The amendment was rejected by Kentucky January 10, 1867; by Delaware February 8, 1867; by Maryland March 23, 1867; and was not afterward ratified by either State.

## ARTICLE XV.

**SECTION 1.** The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

**SECTION 2.** The Congress shall have power to enforce this article by appropriate legislation.

United States v. Reese et al., 92 U. S., 214; United States v. Cruikshank et al., 92 U. S., 542; Ex parte Yarborough, 110 U. S., 651.

The fifteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Fortieth Congress

on the 27th of February, 1869, and was declared, in a proclamation of the Secretary of State, dated March 30, 1870, to have been ratified by the legislatures of twenty nine of the thirty seven States. The dates of these ratifications (arranged in the order of their reception at the Department of State) were: from North Carolina, March 5, 1869; West Virginia, March 3, 1869; Massachusetts, March 9-12, 1869; Wisconsin, March 9, 1869; Maine, March 12, 1869; Louisiana, March 5, 1869; Michigan, March 8, 1869; South Carolina, March 16, 1869; Pennsylvania, March 20, 1869; Arkansas, March 30, 1869; Connecticut, May 19, 1869; Florida, June 15, 1869; Illinois, March 5, 1869; Indiana, May 13-14, 1869; New York, March 17-April 14, 1869, and the legislature of the same State passed a resolution January 5, 1870, to withdraw its consent to it;) New Hampshire, July 7, 1869; Nevada, March 1, 1869; Vermont, October 21, 1869; Virginia, October 8, 1869; Missouri, January 10, 1870; Mississippi, January 15-17, 1870; Ohio, January 27, 1870; Iowa, February 3, 1870; Kansas January 18-19, 1870; Minnesota, February 19, 1870; Rhode Island, January 18, 1870; Nebraska, February 17, 1870; Texas, February 18, 1870. The State of Georgia also ratified the amendment February 2, 1870.

**H. Doc. 157—8**

**RATIFICATIONS**  
**OF**  
**THE CONSTITUTION.**

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The Constitution was adopted by a Convention of the States September 17, 1787, and was subsequently ratified by the several States, in the following order, viz:

Delaware, December 7, 1787.

Pennsylvania, December 12, 1787.

New Jersey, December 18, 1787.

Georgia, January 2, 1788.

Connecticut, January 9, 1788.

Massachusetts, February 6, 1788.

Maryland, April 28, 1788.

South Carolina, May 23, 1788.

New Hampshire, June 21, 1788.

Virginia, June 26, 1788.

New York, July 26, 1788.

North Carolina, November 21, 1789.

Rhode Island, May 29, 1790.

The State of Vermont, by convention, ratified the Constitution on the 10th of January, 1791, and was, by an act of Congress of the 18th of February, 1791, "received and admitted into this Union as a new and entire member of the United States of America."

## RATIFICATIONS OF THE AMENDMENTS TO THE CONSTITUTION.

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The first ten of the preceding articles of amendment, (with two others which were not ratified by the requisite number of States,) were submitted to the several State Legislatures by a resolution of Congress which passed on the 25th of September, 1789, at the first session of the First Congress, and was ratified by the Legislatures of the following States :

New Jersey, November 20, 1789.

Maryland, December 19, 1789.

North Carolina, December 22, 1789.

South Carolina, January 19, 1790.

New Hampshire, January 25, 1790.

Delaware, January 28, 1790.

Pennsylvania, March 10, 1790.

New York, March 27, 1790.

Rhode Island, June 15, 1790.

Vermont, November 3, 1791.

Virginia, December 15, 1791.

The acts of the Legislatures of the States ratifying these amendments were transmitted by the governors to the President, and by him communicated to Congress. The Legislatures of Massachusetts, Connecticut, and Georgia, do not appear by the record to have ratified them.

The eleventh article was submitted to the Legislatures of the several

States by a resolution of Congress passed on the 5th of March, 1794, at the first session of the Third Congress; and on the 8th of January, 1798, at the second session of the Fifth Congress, it was declared by the President, in a message to the two Houses of Congress, to have been adopted by the Legislatures of three-fourths of the States, there being at that time sixteen States in the Union.

The twelfth article was submitted to the Legislatures of the several States there being then seventeen States, by a resolution of Congress, passed on the 12th of December, 1803, at the first session of the Eighth Congress; and was ratified by the Legislatures of three-fourths of the States, in 1804, according to a proclamation of the Secretary of State dated the 25th of September, 1804.

The thirteenth article was submitted to the Legislatures of the several States, there being then thirty-six States, by a resolution of Congress passed on the 1st of February, 1865, at the second session of the Thirty-eighth Congress, and was ratified, according to a proclamation of the Secretary of State dated December 18, 1865, by the Legislatures of the following States:

Illinois, February 1, 1865.

Rhode Island, February 2, 1865.

Michigan, February 2, 1865.

Maryland, February 3, 1865.

New York, February 3, 1865.

West Virginia, February 3, 1865.

Maine, February 7, 1865.

Kansas, February 7, 1865.

Massachusetts, February 8, 1865.

Pennsylvania, February 8, 1865.

Virginia, February 9, 1865.

Ohio, February 10, 1865.

Missouri, February 10, 1865.

**Indiana, February 16, 1865.**  
**Nevada, February 16, 1865.**  
**Louisiana, February 17, 1865.**  
**Minnesota, February 23, 1865.**  
**Wisconsin, March 1, 1865.**  
**Vermont, March 9, 1865.**  
**Tennessee, April 7, 1865.**  
**Arkansas, April 30, 1865.**  
**Connecticut, May 5, 1865.**  
**New Hampshire, July 1, 1865.**  
**South Carolina, November 13, 1865.**  
**Alabama, December 2, 1865.**  
**North Carolina, December 4, 1865.**  
**Georgia, December 9, 1865.**

The following States not enumerated in the proclamation of the Secretary of State also ratified this amendment :

**Oregon, December 11, 1865.**  
**California, December 20, 1865.**  
**Florida, December 28, 1865.**  
**New Jersey, January 23, 1866.**  
**Iowa, January 24, 1866.**  
**Texas, February 18, 1870.**

The fourteenth article was submitted to the Legislatures of the several States, there being then thirty-seven States, by a resolution of Congress passed on the 16th of June, 1866, at the first session of the Thirty-ninth Congress; and was ratified, according to a proclamation of the Secretary of State dated July 28, 1868, by the Legislatures of the following States :

**Connecticut, June 30, 1866.**  
**New Hampshire, July 7, 1866.**  
**Tennessee, July 19, 1866.**

\* New Jersey, September 11, 1866.

† Oregon, September 19, 1866.

Vermont, November 9, 1866.

New York, January 10, 1867.

‡ Ohio, January 11, 1867.

Illinois, January 15, 1867.

West Virginia, January 16, 1867.

Kansas, January 18, 1867.

Maine, January 19, 1867.

Nevada, January 22, 1867.

Missouri, January 26, 1867.

Indiana, January 29, 1867.

Minnesota, February 1, 1867.

Rhode Island, February 7, 1867.

Wisconsin, February 13, 1867.

Pennsylvania, February 13, 1867.

Michigan, February 15, 1867.

Massachusetts, March 20, 1867.

Nebraska, June 15, 1867.

Iowa, April 3, 1868.

Arkansas, April 6, 1868.

Florida, June 9, 1868.

§ North Carolina, July 4, 1868.

Louisiana, July 9, 1868.

§ South Carolina, July 9, 1868.

Alabama, July 13, 1868.

§ Georgia, July 21, 1868.

§ The State of Virginia ratified this amendment on the 8th of Octo-

\* New Jersey withdrew her consent to the ratification in April, 1868.

† Oregon withdrew her consent to the ratification October 15, 1868.

‡ Ohio withdrew her consent to the ratification in January, 1868.

§ North Carolina, South Carolina, Georgia, and Virginia had previously rejected the amendment.



ber, 1869, subsequent to the date of the proclamation of the Secretary of State.

The States of Delaware, Maryland, Kentucky, and Texas rejected the amendment.

The fifteenth article was submitted to the Legislatures of the several States, there being then thirty-seven States, by a resolution of Congress passed on the 27th of February, 1869, at the first session of the Forty-first Congress; and was ratified, according to a proclamation of the Secretary of State dated March 30, 1870, by the Legislatures of the following States:

Nevada, March 1, 1869.  
West Virginia, March 3, 1869.  
North Carolina, March 5, 1869.  
Louisiana, March 5, 1869.  
Illinois, March 5, 1869.  
Michigan, March 8, 1869.  
Wisconsin, March 9, 1869.  
Massachusetts, March 12, 1869.  
Maine, March 12, 1869.  
South Carolina, March 16, 1869.  
Pennsylvania, March 26, 1869.  
Arkansas, March 30, 1869.  
\* New York, April 14, 1869.  
Indiana, May 14, 1869.  
Connecticut, May 19, 1869.  
Florida, June 15, 1869.  
New Hampshire, July 7, 1869.  
Virginia, October 8, 1869.  
Vermont, October 21, 1869.  
Alabama, November 24, 1869.

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New York withdrew her consent to the ratification January 5, 1870.

Missouri, January 10, 1870.

Mississippi, January 17, 1870.

Rhode Island, January 18, 1870.

Kansas, January 19, 1870.

• Ohio, January 27, 1870.

Georgia, February 2, 1870.

Iowa, February 3, 1870.

Nebraska, February 17, 1870.

Texas, February 18, 1870.

Minnesota, February 19, 1870.

<sup>a</sup> The State of New Jersey ratified this amendment on the 21st of February, 1871, subsequent to the date of the proclamation of the Secretary of State.

The States of California, Delaware, Kentucky, Maryland, Oregon, and Tennessee rejected this amendment.

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\* Ohio had previously rejected the amendment May 4, 1869.

† New Jersey had previously rejected the amendment.

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## AND THE

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JEFFERSON'S MANUAL  
OF  
PARLIAMENTARY PRACTICE.

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**RULE XLIV OF THE HOUSE OF REPRESENTATIVES OF THE  
UNITED STATES.—*Adopted as Rule CXVIII, September 15, 1837.***

**The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House and the joint rules of the Senate and House of Representatives.**



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## PREFACE.

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The Constitution of the United States, establishing a legislature for the Union under certain forms, authorizes each branch of it "to determine the rules of its own proceedings." The Senate have accordingly formed some rules for its own government; but these going only to few cases, they have referred to the decision of their President, without debate and without appeal, all questions of order arising either under their own rules, or where they have provided none. This places under the discretion of the President a very extensive field of decision, and one which, irregularly exercised, would have a powerful effect on the proceedings and determinations of the House. The President must feel, weightily and seriously, this confidence in his discretion, and the necessity of recurring, for its government, to some known system of rules, that he may neither leave himself free to indulge caprice or passion, nor open to the imputation of them. But to what system of rules is he to recur, as supplementary to those of the Senate? To this there can be but one answer. To the system of regulations adopted for the government of some one of the Parliamentary bodies within these States, or of that which has served as a prototype to most of them. This last is the model which we have all studied, while we are little acquainted with the modifications of it in our several States. It is deposited, too, in publications possessed by many, and open to all. Its rules are probably as wisely constructed for governing the debates of a deliberative body, and obtaining its true sense, as any which can become known to us; and the acquiescence of the Senate, hitherto, under the references to them, has given them the sanction of their approbation.

Considering, therefore, the law of proceedings in the Senate as composed of the precepts of the Constitution, the regulations of the Senate, and, where these are silent, of the rules of Parliament, I

have here endeavored to collect and digest so much of these as is called for in ordinary practice, collating the Parliamentary with the Senatorial rules, both where they agree and where they vary. I have done this, as well to have them at hand for my own government, as to deposit with the Senate the standard by which I judge, and am willing to be judged. I could not doubt the necessity of quoting the sources of my information, among which Mr. Hatsel's most valuable book is pre-eminent; but as he has only treated some general heads, I have been obliged to recur to other authorities in support of a number of common rules of practice, to which his plan did not descend. Sometimes each authority cited supports the whole passage. Sometimes it rests on all taken together. Sometimes the authority goes only to a part of the text, the residue being inferred from known rules and principles. For some of the most familiar forms no written authority is or can be quoted; no writer having supposed it necessary to repeat what all were presumed to know. The statement of these must rest on their notoriety.

I am aware that authorities can often be produced in opposition to the rules which I lay down as Parliamentary. An attention to dates will generally remove their weight. The proceedings of Parliament in ancient times, and for a long while, were crude, multiform, and embarrassing. They have been, however, constantly advancing toward uniformity and accuracy, and have now attained a degree of aptitude to their object beyond which little is to be desired or expected.

Yet I am far from the presumption of believing that I may not have mistaken the Parliamentary practice in some cases, and especially in those minor forms, which, being practiced daily, are supposed known to everybody, and therefore have not been committed to writing. Our resources in this quarter of the globe, for obtaining information on that part of the subject, are not perfect. But I have begun a sketch, which those who come after me will successively correct and fill up, till a code of rules shall be formed for the use of the Senate, the effects of which may be accuracy in business, economy of time, order, uniformity, and impartiality.

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NOTE.—References to present Senate rules are printed in *italic*.

# MANUAL OF PARLIAMENTARY PRACTICE.

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## IMPORTANCE OF RULES.

### SEC. 1.—IMPORTANCE OF ADHERING TO RULES.

Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say, "It was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority, against the attempts of power." So far the maxim is certainly true, and is founded in good sense, that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power, are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are become the law of the House; by a strict adherence to which, the weaker party can only be protected from those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities. 2 *Hats.*, 171, 172.

And whether these forms be in all cases the most rational or not, is really not of so great importance. It is much more material that there should be a rule to go by, than what that rule is; that there may be a uniformity of proceeding in business, not subject to the

caprice of the Speaker, or captiousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body. 2 *Hats.*, 149.

#### SEC. II.—LEGISLATURE.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. *Constitution of the United States, Art. I, Sec. 1.*

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. *Constitution of the United States, Art. I, Sec. 6.*

For the powers of Congress, see the following Articles and Sections of the Constitution of the United States: I, 4, 7, 8, 9. II, 1, 2. III, 3. IV, 1, 3, 5, and all the amendments.

#### SEC. III.—PRIVILEGE.

The privileges of members of Parliament, from small and obscure beginnings, have been advancing for centuries with a firm and never-yielding pace. Claims seem to have been brought forward from time to time, and repeated, till some example of their admission enabled them to build law on that example. We can only, therefore, state the points of progression at which they now are. It is now acknowledged, 1st. That they are at all times exempted from question elsewhere, for anything said in their own House; that during the time of privilege, 2d. Neither a member himself, his\* wife, nor his servants, (*familiares sui*,) for any matter of their own, may be † arrested on mesne process, in any civil suit: 3d. Nor be detained under execution, though levied before time of privilege: 4th. Nor impleaded, cited, or subpœnaed in any court: 5th. Nor summoned as a witness or juror: 6th. Nor may their lands or goods be distrained: 7th. Nor their persons assaulted, or characters traduced. And the period of time covered by privilege, before and after the session, with the practice of short prorogations under the connivance of the Crown, amounts in fact to a perpetual protection against the

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\* Order of the House of Commons, 1663, July 16.

† *Elsynge*, 217; 1 *Hats.*, 21; 1 *Grey's Deb.*, 133.

course of justice. In one instance, indeed, it has been relaxed by the 10 G. 3, c. 50, which permits judiciary proceedings to go on against them. That these privileges must be continually progressive, seems to result from their rejecting all definition of them; the doctrine being, that "their dignity and independence are preserved by keeping their privileges indefinite; and that 'the maxims upon which they proceed, together with the method of proceeding, rest entirely in their own breast, and are not defined and ascertained by any particular stated laws.'" 1 *Blackst.*, 163, 164.

It was probably from this view of the encroaching character of privilege that the framers of our Constitution, in their care to provide that the laws shall bind equally on all, and especially that those who make them shall not exempt themselves from their operation, have only privileged "Senators and Representatives" themselves from the single act of "arrest in all cases except treason, felony, and breach of the peace, during their attendance at the session of their respective Houses, and in going to and returning from the same, and from being questioned in any other place for any speech or debate in either House." *Const. U. S., Art. 1, Sec. 6.* Under the general authority "to make all laws necessary and proper for carrying into execution the powers given them," *Const. U. S., Art. 2, Sec. 8,* they may provide by law the details which may be necessary for giving full effect to the enjoyment of this privilege. No such law being as yet made, it seems to stand at present on the following ground: 1. The act of arrest is void, *ab initio*.\* 2. The member arrested may be discharged on motion, 1 *Bl.*, 166; 2 *Stra.*, 990; or by habeas corpus under the Federal or State authority, as the case may be; or by a writ of privilege out of the chancery, 2 *Stra.*, 989, in those States which have adopted that part of the laws of England. *Orders of the House of Commons, 1550, February 20.* 3. The arrest being unlawful, is a trespass for which the officer and others concerned are liable to action or indictment in the ordinary courts of justice, as in other cases of unauthorized arrest. 4. The court before which the process is returnable is bound to act as in other cases of unauthorized proceeding, and liable, also, as in other similar cases, to have their proceedings stayed or corrected by the superior courts.

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\*2 *Stra.*, 989.

this order, it was insisted, in support of it, that every man, by the law of nature, and every body of men, possesses the right of self-defense; that all public functionaries are essentially invested with the powers of self-preservation; that they have an inherent right to do all acts necessary to keep themselves in a condition to discharge the trusts confided to them; that whenever authorities are given, the means of carrying them into execution are given by necessary implication, that thus we see the British Parliament exercise the right of punishing contempts; all the State Legislatures exercise the same power, and every court does the same; that, if we have it not, we sit at the mercy of every intruder who may enter our doors or gallery, and, by noise and tumult, render proceeding in business impracticable; that if our tranquillity is to be perpetually disturbed by newspaper defamation, it will not be possible to exercise our functions with the requisite coolness and deliberation; and that we must therefore have a power to punish these disturbers of our peace and proceedings. To this it was answered, that the Parliament and courts of England have cognizance of contempts by the express provisions of their law; that the State Legislatures have equal authority because their powers are plenary; they represent their constituents completely, and possess all their powers, except such as their constitutions have expressly denied them; that the courts of the several States have the same powers by the laws of their States, and those of the Federal Government by the same State laws adopted in each State, by a law of Congress; that none of these bodies, therefore, derive those powers from natural or necessary right, but from express law; that Congress have no such natural or necessary power, nor any powers but such as are given them by the Constitution; that that has given them, directly, exemption from personal arrest, exemption from question elsewhere for what is said in their House, and power over their own members and proceedings; for these no further law is necessary, the Constitution being the law; that, moreover, by that article of the Constitution which authorizes them "to make all laws necessary and proper for carrying into execution the powers vested by the Constitution in them," they may provide by law for an undisturbed exercise of their functions, e. g., for the punishment of contempts, of affrays or tumult in their presence, &c.; but, till the



law be made, it does not exist; and does not exist, from their own neglect; that, in the meantime, however, they are not unprotected, the ordinary magistrates and courts of law being open and competent to punish all unjustifiable disturbances or defamations, and even their own sergeant, who may appoint deputies ad libitum to aid him, 3 *Grey*, 59, 147, 255, is equal to small disturbances; that in requiring a previous law, the Constitution had regard to the inviolability of the citizen, as well as of the member; as, should one House, in the regular form of a bill, aim at too broad privileges, it may be checked by the other, and both by the President; and also as, the law being promulgated, the citizen will know how to avoid offense. But if one branch may assume its own privileges without control, if it may do it on the spur of the occasion, conceal the law in its own breast, and, after the fact committed, make its sentence both the law and the judgment on that fact; if the offense is to be kept undefined and to be declared only *ex re nata*, and according to the passions of the moment, and there be no limitation either in the manner or measure of the punishment, the condition of the citizen will be perilous indeed. Which of these doctrines is to prevail, time will decide. Where there is no fixed law, the judgment on any particular case is the law of that single case only, and dies with it. When a new and even a similar case arises, the judgment which is to make and at the same time apply the law, is open to question and consideration, as are all new laws. Perhaps Congress in the mean time, in their care for the safety of the citizen, as well as that for their own protection, may declare by law what is necessary and proper to enable them to carry into execution the powers vested in them, and thereby hang up a rule for the inspection of all, which may direct the conduct of the citizen, and at the same time test the judgments they shall themselves pronounce in their own case.

Privilege from arrest takes place by force of the election; and before a return be made a member elected may be named of a committee, and is to every extent a member except that he cannot vote until he is sworn. *Memor.*, 107, 108. *D' Ewes*, 642, col. 2; 643, col. 1. *Pet. Miscel. Parl.*, 119. *Lex. Parl.*, c. 23. 2 *Hats.*, 22, 62.

Every man must, at his peril, take notice who are members of either House returned of record. *Lex. Parl.*, 23; 4 *Inst.*, 24.

On complaint of a breach of privilege, the party may either be summoned, or sent for in custody of the sergeant. 1 *Grey*, 88, 95.

The privilege of a member is the privilege of the House. If the member waive it without leave, it is a ground for punishing him, but cannot in effect waive the privilege of the House. 3 *Grey*, 140, 222.

For any speech or debate in either House, they shall not be questioned in any other place. *Const. U. S.*, 1, 6; *S. P. protest of the Commons to James I*, 1621; 2 *Rapin*, No. 54, pp. 211, 212. But this is restrained to things done in the House in a parliamentary course. 1 *Rush.*, 663. For he is not to have privilege contra morem parliamentarium, to exceed the bounds and limits of his place and duty. *Com. p.*

If an offense be committed by a member in the House, of which the House has cognizance, it is an infringement of their right for any person or court to take notice of it, till the House has punished the offender, or referred him to a due course. *Lex. Parl.*, 63.

Privilege is in the power of the House, and is a restraint to the proceeding of inferior courts, but not of the House itself. 2 *Nelson*, 450; 2 *Grey*, 399. For whatever is spoken in the House is subject to the censure of the House; and offenses of this kind have been severely punished by calling the person to the bar to make submission, committing him to the tower, expelling the House, &c. *Scob.*, 72; *L. Parl.*, c. 22.

It is a breach of order for the Speaker to refuse to put a question which is in order. 1 *Hats.*, 175-6; 5 *Grey*, 133.

And even in cases of treason, felony, and breach of the peace, to which privilege does not extend as to substance, yet in Parliament a member is privileged as to the mode of proceeding. The case is first to be laid before the House, that it may judge of the fact and of the grounds of the accusation, and how far forth the manner of the trial may concern their privilege; otherwise it would be in the power of other branches of the government, and even of every private man, under pretenses of treason, &c., to take any man from his service in the House, and so, as many, one after another, as would make the House what he pleaseth. *Dec'l of the Com. on the King's declaring Sir John Hotham a traitor.* 4 *Rushw.*, 586. So, when a member stood indicted for felony, it was adjudged that he

ought to remain of the House till conviction; for it may be any man's case, who is guiltless, to be accused and indicted of felony, or the like crime. 23 *El.*, 1580; *D'Ewes*, 283, col. 1; *Lex Parl.*, 133.

When it is found necessary for the public service to put a member under arrest, or when, on any public inquiry, matter comes out which may lead to affect the person of a member, it is the practice immediately to acquaint the House, that they may know the reasons for such a proceeding, and take such steps as they think proper. 2 *Hats.*, 259. Of which see many examples. *Ib.*, 256, 257, 258. But the communication is subsequent to the arrest. 1 *Blackst.*, 167.

It is highly expedient, says Hatsel, for the due preservation of the privileges of the separate branches of the legislature, that neither should encroach on the other, or interfere in any matter depending before them, so as to preclude, or even influence, that freedom of debate which is essential to a free council. They are, therefore, not to take notice of any bills or other matters depending, or of votes that have been given, or of speeches which have been held, by the members of either of the other branches of the legislature, until the same have been communicated to them in the usual parliamentary manner. 2 *Hats.*, 252; 4 *Inst.*, 15; *Seld. Jud.*, 53. Thus the King's taking notice of the bill for suppressing soldiers, depending before the House; his proposing a provisional clause for a bill before it was presented to him by the two Houses; his expressing displeasure against some persons for matters moved in Parliament during the debate and preparation of a bill, were breaches of privilege; 2 *Nelson*, 743; and in 1783, December 17, it was declared a breach of fundamental privileges, &c., to report any opinion or pretended opinion of the King on any bill or proceeding depending in either House of Parliament, with a view to influence the votes of the members. 2 *Hats.*, 251, 6.

#### SEC. IV.—ELECTIONS.

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators. *Const.*, I, 4.

Each House shall be the judge of the elections, returns, and qualifications of its own members. *Const.*, I, 5.

SEC. V.—QUALIFICATIONS.

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years, and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the end of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies. *Const.*, I, 3.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen. *Const.*, I, 3.

The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature. *Const.*, I, 2.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen. *Const.*, I, 2.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers; [which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.]\* The actual enumeration shall be made within

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\*The portion of this clause of the Constitution within brackets has been amended by the 14th amendment, 2d section.

three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative. *Const.*, 1, 2.

The provisional apportionments of Representatives made in the Constitution in 1787 and afterwards by Congress, were as follows:

States.	1787. <sup>a</sup>	1790. <sup>b</sup>	1800. <sup>c</sup>	1810. <sup>d</sup>	1820. <sup>e</sup>	1830. <sup>f</sup>	1840. <sup>g</sup>	1850. <sup>h</sup>	1860. <sup>i</sup>	1870. <sup>j</sup>	1880. <sup>k</sup>	1890. <sup>l</sup>
Maine <sup>m</sup> .....					7	8	7	6	5	5	4	4
New Hampshire.....	3	4	5	6	6	5	4	3	2	3	2	2
Massachusetts.....	8	14	17	20	13	12	10	11	10	11	12	13
Rhode Island.....	1	2	2	2	2	2	2	2	2	2	2	2
Connecticut.....	5	7	7	7	6	6	4	4	4	4	4	4
Vermont.....		2	4	6	5	5	4	3	3	3	2	2
New York.....	6	10	17	27	34	40	34	33	31	33	34	34
New Jersey.....	4	5	6	6	6	6	5	5	5	7	7	8
Pennsylvania.....	8	13	18	23	26	28	24	25	24	27	28	30
Delaware.....	2	1	1	2	1	1	1	1	1	1	1	1
Maryland.....	6	8	9	9	9	8	6	6	5	6	6	6
Virginia.....	10	10	12	13	12	11	15	13	11	9	10	10
North Carolina.....	5	10	12	11	13	13	9	8	7	8	9	9
South Carolina.....	5	6	8	9	9	9	7	6	4	5	7	7
Georgia.....	3	2	4	6	7	9	8	8	7	9	10	11
Kentucky.....		2	6	10	12	13	10	10	9	10	11	11
Tennessee <sup>n</sup> .....			3	6	9	13	11	10	8	10	10	10
Ohio <sup>o</sup> .....				6	14	19	21	21	19	20	21	21
Louisiana <sup>p</sup> .....					3	3	4	4	5	6	6	6
Indiana <sup>q</sup> .....					3	7	10	11	11	13	13	13
Mississippi <sup>r</sup> .....					1	2	4	5	5	6	7	7
Illinois <sup>s</sup> .....					1	3	7	9	14	19	20	22
Alabama <sup>t</sup> .....					2	5	7	7	6	8	8	9
Missouri <sup>u</sup> .....					1	2	5	7	9	13	14	15
Arkansas <sup>v</sup> .....							1	2	3	4	5	6
Michigan <sup>w</sup> .....							3	4	6	9	11	12
Florida <sup>x</sup> .....								1	1	2	2	2
Iowa <sup>y</sup> .....								2	6	9	11	11
Texas <sup>z</sup> .....								2	4	6	11	13
Wisconsin <sup>1</sup> .....								3	6	8	9	10
California <sup>2</sup> .....								2	3	4	6	7
Minnesota <sup>3</sup> .....									2	3	5	7
Oregon <sup>4</sup> .....									1	2	1	2
Kansas <sup>5</sup> .....									1	3	7	8
West Virginia <sup>6</sup> .....									3	3	4	4
Nevada <sup>7</sup> .....									1	1	1	1
Nebraska <sup>8</sup> .....									1	1	3	6
Colorado <sup>9</sup> .....										1	1	2
South Dakota <sup>10</sup> .....												2
North Dakota <sup>11</sup> .....												1
Montana <sup>12</sup> .....												1

NOTE.—The data below and to the right of the heavy line are subsequent to period when the Manual was published in its original form.

[illegible]<sup>a</sup> As per Constitution.

<sup>1</sup>As per act of April 14, 1908, one Representative by \_\_\_\_\_ from \_\_\_\_\_

\*As per act of January 14, 1862, the President was authorized to

<sup>d</sup>As per act of December 21, 1821, now ~~repealed~~.

\*As per act of Mar 17, 1887, one Representative.

<sup>1</sup>As per act of May 22, 1832, see *Reynolds v. United States*, 98 U.S. 145, 162.

<sup>1</sup>As per act of June 25, 1842, ccc Regenerat. 17, 1-4-43

<sup>1</sup>Aspects of May 23, 1890, and 1892 in the ...

As per act of March 4, 1862, one Representative from each State

<sup>1</sup>As per acts of February 2 and May 1, 1872, or hereinafter.

<sup>1</sup> As per act of February 21, 1871, sec. 2.

<sup>1</sup> As per act of February 7, 1902, c. 10, § 1, R. S. 1902, c. 10, § 1.

\*Previous to the 31 March, 1966, these were not included in the total.

Island of Maine, and its Revenue.

compact between Maine and Massachusetts. Name 1852-1853 &amp; 1854-1855 and 1856-1857

State, and by act of Congress of 3d March 1875 was authorized to be '...'

admission to take place on the 15th of the same month. For the 11th & 12th Dec. 1861

was declared entitled to seven Representatives in the House of Representatives.

\* Admitted under act of Congress, June 2, 1908, with vote 2-1.

\*Admitted under act of Congress, April 3, 1866, with vote heretofore

\* Admitted under act of Congress, April 1, 1893 with the ~~independence~~

<sup>1</sup>Admitted under act of Congress. Imported for sale with the Government.

\* Admitted under act of Congress, December 21, 1890 with no limitations.

\* Admitted under act of Congress. Issued under the Departmental seal.

<sup>1</sup>Admitted under act of Congress, December 22, 1892, with the understanding that

\* Admitted under act of Congress, March 2, 1875, with the understanding that the

\* Admitted under act of Congress, June 25, 1871, with view of incorporation.

\* Admitted under act of Congress, January 21, 1911, with no limitation.

\* Admitted under act of Congress. Name, age, with sex, occupation.

<sup>2</sup> Admitted under act of Congress. March 3, 1845, with one Representative.

\* Admitted under act of Congress September 8, 1902, with 100,000 acres.

<sup>1</sup>Admitted under act of Congress. Mar 29, that with four representatives

Admitted under act of Congress September 6, 1850 with the understanding that

\*Admitted under act of Congress, May 22, 1872 with 100 Representatives

\*Admitted under act of Congress, February 2, 1892, with the Representatives

<sup>2</sup>Admitted under act of Congress, January 2, 1895 with one Representative

\* Admitted under act of Congress, June 30, 1935, with three representatives.

\* Admitted under act of Congress October 3, 1917, with the Representative.

<sup>b</sup>Admitted under act of Congress August 1st will use Karyomembrane

<sup>b</sup> Admitted under act of Congress, February 22, 1862.

**Admitted under act of Congress (1906) 185**

<sup>19</sup> Admitted under act of Congress, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569,

■ **Admitted under act of Congress:** February = 1860

<sup>14</sup> Admitted under act of Congress, July 3, 1890.

<sup>12</sup>Admitted under act of Congress, July 30, 1890.

<sup>10</sup>Adopted under act of Congress, July 26, 1894.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies. *Const.*, I, 2.

No Senator or Representative, shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office. *Const.*, I, 6.

#### SEC. VI.—QUORUM.

A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as each House may provide. *Const.*, I, 5.

In general the chair is not to be taken till a quorum for business is present; unless, after due waiting, such a quorum be despaired of, when the chair may be taken and the House adjourned. And whenever, during business, it is observed that a quorum is not present, any member may call for the House to be counted, and being found deficient, business is suspended. 2 *Hats.*, 125, 126.

[*In the Senate.*]

*Rule III.*

1. *The Presiding Officer having taken the chair, and a quorum being present, the Journal of the preceding day shall be read, and any mistake made in the entries corrected. The reading of the Journal shall not be suspended unless by unanimous consent; and when any motion shall be made to amend or correct the same, it shall be deemed a privileged question, and proceeded with until disposed of.*

2. *A quorum shall consist of a majority of the Senators duly chosen and sworn.*

#### SEC. VII.—CALL OF THE HOUSE.

On a call of the House, each person rises up as he is called, and answereth; the absentees are then only noted, but no excuse to be

made till the House be fully called over. Then the absentees are called a second time, and if still absent, excuses are to be heard. *Ord. House of Commons*, 92.

They rise that their persons may be recognized; the voice, in such a crowd, being an insufficient verification of their presence. But in so small a body as the Senate of the United States, the trouble of rising cannot be necessary.

Orders for calls on different days may subsist at the same time. 2 *Hats.*, 72.

[In the Senate.]

Rule V—Clause 2.

2. *If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.*

#### SEC. VIII.—ABSENCE.

[In the Senate.]

Rule V.

1. *No Senator shall absent himself from the service of the Senate without leave.*

2. *If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.*

3. *Whenever upon such roll-call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.*

#### SEC. IX.—SPEAKER.

The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided. *Constitution*, I, 3.

The Senate shall choose their officers, and also a President pro tempore in the absence of the Vice-President, or when he shall exercise the office of President of the United States. *Ib.*



The House of Representatives shall choose their Speaker and other officers. *Const.*, I, 2.

When but one person is proposed, and no objection made, it has not been usual in Parliament to put any question to the House; but without a question the members proposing him conduct him to the chair. But if there be objection, or another proposed, a question is put by the Clerk. 2 *Hats.*, 158. As are also questions of adjournment. 6 *Grey*, 406. Where the House debated and exchanged messages and answers with the King for a week without a Speaker, till they were prorogued. They have done it *de die in diem* for fourteen days. 1 *Chand.*, 331, 335.

In the Senate, a President *pro tempore*, in the absence of the Vice-President, is proposed and chosen by ballot. His office is understood to be determined on the Vice-President's appearing and taking the chair, or at the meeting of the Senate after the first recess.\*

[*In the Senate.*]

*Rule I.*

1. *In the absence of the Vice-President, the Senate shall choose a President pro tempore.*

2. *In the absence of the Vice-President, and pending the election of a President pro tempore, the Secretary of the Senate, or in his absence the Chief Clerk, shall perform the duties of the Chair.*

3. *The President pro tempore shall have the right to name in open Senate, or, if absent, in writing, a Senator to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment, except by unanimous consent.*

Where the Speaker has been ill, other Speakers *pro tempore* have been appointed. Instances of this are 1 *H.*, 4. Sir John Cheyney, and Sir William Sturton, and in 15 *H.*, 6. Sir John Tyrrel, in 1656, January 27; 1658, March 9; 1659, January 13.

Sir Job Charlton ill, Seymour chosen,  
1673, February 18.

Seymour being ill, Sir Robert Sawyer  
chosen, 1678, April 15.

Sawyer being ill, Seymour chosen.

} Not merely *pro tempore*.  
1 *Chand.*, 169, 276, 277.

Thorpe in execution, a new Speaker chosen, 31 *H. VI*, 3 *Grey*, 11; and March 14, 1694, Sir John Trevor chosen. There have been no later instances. 2 *Hats.*, 161; 4 *Inst.*, 8; *L. Parl.*, 263.

A Speaker may be removed at the will of the House, and a Speaker *pro tempore* appointed.\* 2 *Grey*, 186; 5 *Grey*, 134.

#### SEC. X.—ADDRESS.

The President shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. *Const.*, II, 3.

A joint address of both Houses of Parliament is read by the Speaker of the House of Lords. It may be attended by both Houses in a body, or by a Committee from each House, or by the two Speakers only. An address of the House of Commons only may be presented by the whole House, or by the Speaker, 9 *Grey*, 473; 1 *Chandler*, 298, 301; or by such particular members as are of the privy council. 2 *Hats.*, 278.

#### SEC. XI.—COMMITTEES.

Standing committees, as of Privileges and Elections, &c., are usually appointed at the first meeting, to continue through the session. The person first named is generally permitted to act as chairman. But this is a matter of courtesy; every committee having a right to elect their own chairman, who presides over them, puts questions, and reports their proceedings to the House. 4 *Inst.*, 11, 12; *Scob.*, 9; 1 *Grey*, 122.

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\* The tenure of office of a President *pro tempore* is distinctly defined by the following resolutions adopted by the Senate January 10, and 12, 1876, which are in the following words:

1. *Resolved*, That the tenure of the President *pro tempore* does not expire at the meeting of Congress, after the first recess, the Vice-President not having appeared to take the chair.

2. *Resolved*, That the death of the Vice-President does not have the effect to vacate the office of President *pro tempore*.

3. *Resolved*, That the office of President *pro tempore* is held at the pleasure of the Senate.

(Sen. Jour. 1st Sess. 44th Cong., 1875-'76.)

[In the Senate.]

Rule XXIV.

1. *In the appointment of the standing committees, the Senate, unless otherwise ordered, shall proceed by ballot to appoint severally the chairman of each committee, and then, by one ballot, the other members necessary to complete the same. A majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee, but a plurality of votes shall elect the other members thereof. All other committees shall be appointed by ballot, unless otherwise ordered, and a plurality of votes shall appoint.*

2. *When a chairman of a committee shall resign or cease to serve on a committee, and the Presiding Officer be authorized by the Senate to fill the vacancy in such committee, unless specially otherwise ordered, it shall be only to fill up the number on the committee.*

At these committees the members are to speak standing, and not sitting; though there is reason to conjecture it was formerly otherwise. *D'Ewes*, 630, col. 1; 4 *Parl. Hist.*, 440; 2 *Hats.*, 77.

Their proceedings are not to be published, as they are of no force till confirmed by the House, *Rushw.*, part 3, vol. 2, 74; 3 *Grey*, 401; *Scob.*, 39. Nor can they receive a petition but through the House. 9 *Grey*, 412.

When a committee is charged with an inquiry, if a member prove to be involved, they cannot proceed against him, but must make a special report to the House; whereupon the member is heard in his place, or at the bar, or a special authority is given to the committee to inquire concerning him. 9 *Grey*, 523.

So soon as the House sits, and a committee is notified of it, the chairman is in duty bound to rise instantly, and the members to attend the service of the House. 2 *Nals.*, 319.

It appears that on joint committees of the Lords and Commons, each committee acted integrally in the following instances: 7 *Grey*, 261, 278, 285, 338; 1 *Chandler*, 357, 462. In the following instances it does not appear whether they did or not: 6 *Grey*, 129; 7 *Grey*, 213, 229, 321.

#### SEC. XII.—COMMITTEE OF THE WHOLE.

The speech, messages, and other matters of great concernment, are usually referred to a Committee of the Whole House (6 *Grey*, 311)

where general principles are digested in the form of resolutions, which are debated and amended till they get into a shape which meets the approbation of a majority. These being reported and confirmed by the House, are then referred to one or more select committees, according as the subject divides itself into one or more bills. *Scob.*, 36, 44. Propositions for any charge on the people are especially to be first made in a Committee of the Whole. *3 Hats.*, 127. The sense of the whole is better taken in committee, because in all committees every one speaks as often as he pleases. *Scob.*, 49. They generally acquiesce in the chairman named by the Speaker; but, as well as all other committees, have a right to elect one, some member, by consent, putting the question. *Scob.*, 36; *3 Grey*, 301. The form of going from the House into committee, is for the Speaker, on motion, to put the question that the House do now resolve itself into a Committee of the Whole to take into consideration such a matter, naming it. If determined in the affirmative, he leaves the chair and takes a seat elsewhere, as any other member; and the person appointed chairman seats himself at the Clerk's table. *Scob.*, 36. Their quorum is the same as that of the House; and if a defect happens, the chairman, on a motion and question, rises, the Speaker resumes the chair and the chairman can make no other report than to inform the House of the cause of their dissolution. If a message is announced during a committee, the Speaker takes the chair and receives it, because the committee can not. *2 Hats.*, 125, 126.

In a Committee of the Whole, the tellers on a division differing as to numbers, great heats and confusion arose, and danger of a decision by the sword. The Speaker took the chair, the mace was forcibly laid on the table; whereupon the members retiring to their places, the Speaker told the House "he had taken the chair without an order, to bring the House into order." Some excepted against it; but it was generally approved as the only expedient to suppress the disorder. And every member was required, standing up in his place, to engage that he would proceed no further in consequence of what had happened in the grand committee, which was done. *3 Grey*, 128.

A Committee of the Whole being broken up in disorder, and the chair resumed by the Speaker without an order, the House was

adjourned. The next day the committee was considered as thereby dissolved, and the subject again before the House ; and it was decided in the House, without returning into committee. 3 *Grey*, 130.

No previous question can be put in a committee ; nor can this committee adjourn as others may ; but if their business is unfinished, they rise, on a question, the House is resumed, and the chairman reports that the Committee of the Whole have, according to order, had under their consideration such a matter, and have made progress therein ; but not having had time to go through the same, have directed him to ask leave to sit again. Whereupon a question is put on their having leave, and on the time the House will again resolve itself into a committee. *Scob.*, 38. But if they have gone through the matter referred to them, a member moves that the committee may rise, and the chairman report their proceedings to the House ; which being resolved, the chairman rises, the Speaker resumes the chair, the chairman informs him that the committee have gone through the business referred to them, and that he is ready to make report when the House shall think proper to receive it. If the House have time to receive it, there is usually a cry of "now, now," whereupon he makes the report ; but if it be late, the cry is "to-morrow, to-morrow," or "Monday," &c., or a motion is made to that effect, and a question put that it be received to-morrow, &c. *Scob.*, 38.

In other things the rules of proceeding are to be the same as in the House. *Scob.*, 39.

#### SEC. XIII.—EXAMINATION OF WITNESSES.

Common fame is a good ground for the House to proceed by inquiry, and even to accusation. *Resolution House of Commons*, 1 *Car.* 1, 1625 ; *Rush*, *L. Parl.*, 115 ; *Grey*, 16–22, 92 ; 8 *Grey*, 21, 23, 27, 45.

Witnesses are not to be produced but where the House has previously instituted an inquiry, 2 *Hats*, 102, nor then are orders for their attendance given blank. 3 *Grey*, 51.

When any person is examined before a committee, or at the bar of the House, any member wishing to ask the person a question, must address it to the Speaker or chairman, who repeats the question to

the person, or says to him, "You hear the question—answer it." But if the propriety of the question be objected to, the Speaker directs the witness, counsel, and parties to withdraw; for no question can be moved or put or debated while they are there. 2 *Hats.*, 108. Sometimes the questions are previously settled in writing before the witness enters. *Ib.*, 106, 107; 8 *Grey*, 64. The questions asked must be entered in the journals. 3 *Grey*, 81. But the testimony given in answer before the House is never written down; but before a committee, it must be, for the information of the House, who are not present to hear it. 7 *Grey*, 52, 334.

If either House have occasion for the presence of a person in custody of the other, they ask the other their leave that he may be brought up to them in custody. 3 *Hats.*, 52.

A member, in his place, gives information to the House of what he knows of any matter under hearing at the bar. *Four. H. of C.*, Jan. 22, 1744-5.

Either House may request, but not command, the attendance of a member of the other. They are to make the request by message of the other House, and to express clearly the purpose of attendance, that no improper subject of examination may be tendered to him. The House then gives leave to the member to attend, if he choose it; waiting first to know from the member himself whether he chooses to attend, till which they do not take the message into consideration. But when the peers are sitting as a court of criminal judicature, they may order attendance, unless where it be a case of impeachment by the Commons. There, it is to be a request. 3 *Hats.*, 17; 9 *Grey*, 306, 406; 10 *Grey*, 133.

Counsel are to be heard only on private, not on public bills, and on such points of law only as the House shall direct. 10 *Grey*, 61.

#### SEC. XIV.—ARRANGEMENT OF BUSINESS.

The Speaker is not precisely bound to any rules as to what bills or other matter shall be first taken up; but it is left to his own discretion, unless the House on a question decide to take up a particular subject. *Hakew.*, 136.

A settled order of business is, however, necessary for the government of the presiding person, and to restrain individual members

from calling up favorite measures, or matters under their special patronage, out of their just turn. It is useful also for directing the discretion of the House, when they are moved to take up a particular matter, to the prejudice of others, having priority of right to their attention in the general order of business.

In Senate, the bills and other papers which are in possession of the House, and in a state to be acted on, are arranged every morning and brought on in the following order :

1. Bills ready for a second reading are read, that they may be referred to committees, and so be put under way. But if, on their being read, no motion is made for commitment, they are then laid on the table in the general file, to be taken up in their just turn.

2. After 12 o'clock, bills ready for it are put on their passage.

3. Reports in possession of the House, which offer grounds for a bill, are to be taken up, that the bill may be ordered in.

4. Bills or other matters before the House, and unfinished on the preceding day, whether taken up in turn or on special order, are entitled to be resumed and passed on through their present stage.

5. These matters being dispatched, for preparing and expediting business, the general file of bills and other papers is then taken up, and each article of it is brought on according to its seniority, reckoned by the date of its first introduction to the House. Reports on bills belong to the dates of their bills.

The arrangement of the business of the Senate is now as follows : \*

1. Motions previously submitted.

2. Reports of committees previously made.

3. Bills from the House of Representatives, and those introduced on leave, which have been read the first time, are read the second time ; and if not referred to a committee, are considered in Committee of the Whole, and proceeded with as in other cases.

4. After twelve o'clock, engrossed bills of the Senate, and bills of the House of Representatives, on third reading, are put on their passage.

5. If the above are finished before one o'clock, the general file of bills, consisting of those reported from committees on the second

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\* This arrangement is changed by the VIIth, VIIIth, and IXth rules.

reading, and those reported from committees after having been referred, are taken up in the order in which they were reported to the Senate by the respective committees.

6. At one o'clock, if no business be pending, or if no motion be made to proceed to other business, the special orders are called, at the head of which stands the unfinished business of the preceding day.

In this way we do not waste our time in debating what shall be taken up. We do one thing at a time, follow up a subject while it is fresh, and till it is done with: clear the House of business gradually as it is brought on, and prevent, to a certain degree, its excessive accumulation toward the close of the session.

Arrangement, however, can only take hold of matters in possession of the House. New matter may be moved at any time when no question is before the House. Such are original motions and reports on bills. Such are bills from the other House, which are received at all times, and receive their first reading as soon as the question then before the House is disposed of; and bills brought in on leave, which are read first whenever presented. So messages from the other House respecting amendments to bills are taken up as soon as the House is clear of a question, unless they require to be printed, for better consideration. Orders of the day may be called for, even when another question is before the House.

#### SEC. XV.—ORDER.

Each House may determine the rules of its proceedings; punish its members for disorderly behavior; and, with the concurrence of two-thirds, expel a member. *Const.*, 1, 5.

In Parliament, "instances make order," per Speaker Onslow. 2 *Hats.*, 141. But what is done only by one Parliament, cannot be called custom of Parliament, by Prynne. 1 *Grey*, 52.

#### SEC. XVI.—ORDER RESPECTING PAPERS.

The Clerk is to let no journals, records, accounts, or papers be taken from the table or out of his custody. 2 *Hats.*, 193, 194.



Mr. Prynne, having at a Committee of the Whole amended a mistake in a bill without order or knowledge of the committee, was reprimanded. 1 *Chand.*, 77.

A bill being missing, the House resolved that a protestation should be made and subscribed by the members "before Almighty God, and this honorable House, that neither myself, nor any other to my knowledge, have taken away, or do at this present conceal a bill entitled," &c. 5 *Grey*, 202.

After a bill is engrossed, it is put into the Speaker's hands, and he is not to let any one have it to look into. *Town. col.*, 209.

#### SEC. XVII.—ORDER IN DEBATE.

When the Speaker is seated in his chair, every member is to sit in his place. *Scob.*, 6; *Grey*, 403.

When any member means to speak, he is to stand up in his place, uncovered, and to address himself, not to the House, or any particular member, but to the Speaker, who calls him by his name, that the House may take notice who it is that speaks. *Scob.*, 6; *D'Ewes*, 487, col. 1; 2 *Hats*, 77; 4 *Grey*, 66; 8 *Grey*, 108. But members who are indisposed may be indulged to speak sitting. 2 *Hats.*, 75, 77; 1 *Grey*, 143.

[*In the Senate.*]

#### *Rule XIX.*

1. *When a Senator desires to speak he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate; which shall be determined without debate.*

2. *If any Senator, in speaking or otherwise, transgress the rules of the Senate, the Presiding Officer shall, or any Senator may, call him to order, and when a Senator shall be called to order he shall sit down, and not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order; which motion shall be determined without debate.*

3. *If a Senator be called to order for words spoken in debate, upon the demand of the Senator or of any other Senator the exceptionable words shall be taken down in writing, and read at the table for the information of the Senate.*

When a member stands up to speak, no question is to be put, but he is to be heard unless the House overrule him. 4 *Grey*, 390; 5 *Grey*, 6, 143.

If two or more rise to speak nearly together, the Speaker determines who was first up, and calls him by name, whereupon he proceeds, unless he voluntarily sits down and gives way to the other. But sometimes the House does not acquiesce in the Speaker's decision, in which case the question is put, "which member was first up?" 2 *Hats.*, 76; *Scob.*, 7; *D'Ewes*, 434, col. 1, 2.

In the Senate of the United States the President's decision is without appeal.

No man may speak more than once on the same bill on the same day; or even on another day, if the debate be adjourned. But if it be read more than once in the same day, he may speak once at every reading. *Co.*, 12, 115; *Hakew.*, 148; *Scob.*, 58; 2 *Hats.*, 75. Even a change of opinion does not give a right to be heard a second time. *Smyth's Comw. L.*, 2, c. 3; *Arcan. Parl.*, 17.

But he may be permitted to speak again to clear a matter of fact, 3 *Grey*, 357, 416; or merely to explain himself, 2 *Hats.*, 73, in some material part of his speech, *Ib.*, 75; or to the manner or words of the question, keeping himself to that only, and not traveling into the merits of it, *Memorials in Hakew.*, 29; or to the orders of the House, if they be transgressed, keeping within that line, and not falling into the matter itself. *Mem. Hakew.*, 30, 31.

But if the Speaker rise to speak, the member standing up ought to sit down, that he may be first heard. *Town.*, col. 205; *Hale Parl.*, 133; *Mem. in Hakew.*, 30, 31. Nevertheless, though the Speaker may of right speak to matters of order, and be first heard, he is restrained from speaking on any other subject, except where the House have occasion for facts within his knowledge; then he may, with their leave, state the matter of fact. 3 *Grey*, 38.

\* See ante, Rule XIX, clause 1, for present practice in the Senate.

No one is to speak impertinently or beside the question, superfluous, or tediously. *Scob.*, 31, 33; 2 *Hats.*, 166, 168; *Hale Parl.*, 133.

No person is to use indecent language against the proceedings of the House; no prior determination of which is to be reflected on by any member, unless he means to conclude with a motion to rescind it. 2 *Hats.*, 169, 170; *Rushw.*, p. 3, v. 1, fol. 42. But while a proposition under consideration is still *in fieri*, though it has even been reported by a committee, reflections on it are no reflections on the House. 9 *Grey*, 508.

No person, in speaking, is to mention a member then present by his name, but to describe him by his seat in the House, or who spoke last, or on the other side of the question, &c., *Mem. in Hakew.*, 3; *Smyth's Comw.*, L. 2 c. 3; nor to digress from the matter to fall upon the person, *Scob.*, 31; *Hale Parl.*, 133; 2 *Hats.*, 166, by speaking, reviling, nipping, or unmannerly words against a particular member. *Smyth's Comw.*, L. 2, c. 3. The consequences of a measure may be reprobated in strong terms; but to arraign the motives of those who propose to advocate it is a personality, and against order. *Qui digreditur a materia ad personum*, Mr. Speaker ought to suppress. *Ord. Com.*, 1604, Apr. 19.

No one is to disturb another in his speech by hissing, coughing, spitting, 6 *Grey*, 332; *Scob.*, 8; *D'Ewes*, 332, col. 1, 640, col. 2, speaking or whispering to another, *Scob.* 6; *D'Ewes*, 487, col. 1; nor stand up to interrupt him, *Town.*, col. 205; *Mem. in Hakew.*, 31; nor to pass between the Speaker and the speaking member, nor to go across the House, *Scob.*, 6, or to walk up and down it, or to take books or papers from the table, or write there, 2 *Hats.*, 171.

Nevertheless, if a member finds that it is not the inclination of the House to hear him, and that by conversation or any other noise they endeavor to drown his voice, it is his most prudent way to submit to the pleasure of the House, and sit down; for it scarcely ever happens that they are guilty of this piece of ill manners without sufficient reason, or inattentive to a member who says anything worth their hearing. 2 *Hats.*, 77, 78.

If repeated calls do not produce order, the Speaker may call by his name any member obstinately persisting in irregularity; where-

upon the House may require the member to withdraw. He is then to be heard in exculpation, and to withdraw. Then the Speaker states the offense committed; and the House considers the degree of punishment they will inflict. 2 *Hats.*, 167, 7, 8, 172.

For instances of assaults and affrays in the House of Commons, and the proceedings thereon, see 1 *Pet. Misc.*, 82; 3 *Grey*, 128; 4 *Grey*, 328; 5 *Grey*, 382; 6 *Grey*, 254; 10 *Grey*, 8. Whenever warm words or an assault have passed between members, the House, for the protection of their members, requires them to declare in their places not to prosecute any quarrel, 3 *Grey*, 128, 293; 5 *Grey*, 280; or orders them to attend the Speaker, who is to accommodate their differences, and report to the House, 3 *Grey*, 419; and they are put under restraint if they refuse, or until they do. 9 *Grey*, 234, 312.

Disorderly words are not to be noticed till the member has finished his speech. 5 *Grey*, 356; 6 *Grey*, 60. Then the person objecting to them, and desiring them to be taken down by the Clerk at the table, must repeat them. The Speaker then may direct the Clerk to take them down in his minutes; but if he thinks them not disorderly, he delays the direction. If the call becomes pretty general, he orders the Clerk to take them down, as stated by the objecting member. They are then a part of his minutes, and when read to the offending member, he may deny they were his words, and the House must then decide by a question whether they are his words or not. Then the member may justify them, or explain the sense in which he used them, or apologize. If the House is satisfied, no further proceeding is necessary. But if two members still insist to take the sense of the House, the member must withdraw before that question is stated, and then the sense of the House is to be taken. 2 *Hats.*, 199; 4 *Grey*, 170; 6 *Grey*, 59. When any member has spoken, or other business intervened, after offensive words spoken, they cannot be taken notice of for censure. And this is for the common security of all, and to prevent mistakes which must happen if words are not taken down immediately. Formerly they might be taken down at any time the same day. 2 *Hats.*, 196; *Mem. in Hakew.*, 71; 3 *Grey*, 48; 9 *Grey*, 514.

Disorderly words spoken in a committee must be written down as in the House; but the committee can only report them to the House for animadversion. 6 *Grey*, 46.

[*In the Senate.*] (See ante, *Rule XIX, Clauses 2 and 3.*)

In Parliament, to speak irreverently or seditiously against the King, is against order. *Smyth's Comw.*, L. 2, c. 3; 2 *Hats.*, 170.

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses. 8 *Grey*, 22.

Neither House can exercise any authority over a member or officer of the other, but should complain to the House of which he is, and leave the punishment to them. Where the complaint is of words disrespectfully spoken by a member of another House, it is difficult to obtain punishment, because of the rules supposed necessary to be observed (as to the immediate noting down of words) for the security of members. Therefore it is the duty of the House, and more particularly of the Speaker, to interfere immediately, and not to permit expressions to go unnoticed which may give a ground of complaint to the other House, and introduce proceedings and mutual accusations between the two Houses, which can hardly be terminated without difficulty and disorder. 3 *Hats.*, 51.

No member may be present when a bill or any business concerning himself is debating; nor is any member to speak to the merits of it till he withdraws. 2 *Hats.*, 219. The rule is, that if a charge against a member arise out of a report of a committee, or examination of witnesses in the House, as the member knows from that to what points he is to direct his exculpation, he may be heard to those points before any question is moved or stated against him. He is then to be heard, and withdraw before any question is moved. But if the question itself is the charge, as for breach of order or matter arising in the debate, then the charge must be stated (that is, the question must be moved), himself heard, and then to withdraw. 2 *Hats.*, 121, 122.

Where the private interests of a member are concerned in a bill or question he is to withdraw. And where such an interest has appeared, his voice has been disallowed, even after a division. In a case so contrary, not only to the laws of decency, but to the fundamental principle of the social compact, which denies to any man to be a judge in his own cause, it is for the honor of the House that this rule of immemorial observance should be strictly adhered to. 2 *Hats.*, 119, 121; 6 *Grey*, 368.

No member is to come into the House with his head covered, nor to remove from one place to another with his hat on, nor is to put on his hat in coming in or removing, until he be set down in his place. *Scob.*, 6.

A question of order may be adjourned to give time to look into precedents. 2 *Hats.*, 118.

In Parliament, all decisions of the Speaker may be controlled by the House. 3 *Grey*, 319.

#### SEC. XVIII. - ORDERS OF THE HOUSE.

Of right, the door of the House ought not to be shut, but to be kept by porters, or Sergeants-at-Arms, assigned for that purpose. *Mod ten. Parl.*, 23.

[In the Senate.]

*Rule XXXV.*

*On a motion made and seconded to close the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, requiring secrecy, the Presiding Officer shall direct the galleries to be cleared; and during the discussion of such motion the doors shall remain closed.*

The only case where a member has a right to insist on anything, is where he calls for the execution of a subsisting order of the House. Here, there having been already a resolution, any person has a right to insist that the Speaker, or any other whose duty it is, shall carry it into execution; and no debate or delay can be had on it. Thus any member has a right to have the House or gallery cleared of strangers, an order existing for that purpose; or to have the House told when there is not a quorum present. 2 *Hats.*, 87, 129. How far an order of the House is binding, see *Hakew.*, 392.

But where an order is made that any particular matter be taken up on a particular day, there a question is to be put, when it is called for, whether the House will now proceed to that matter? Where orders of the day are on important or interesting matter, they ought not to be proceeded on till an hour at which the House is usually full [*which in Senate is at noon*].

[*In the Senate.*]

*Rule X.*

1. *Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives, the Presiding Officer shall lay it before the Senate, unless there be unfinished business of the preceding day; and if it is not finally disposed of on that day, it shall take its place on the Calendar of Special Orders, in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.*

2. *When two or more special orders have been made for the same time they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by direction of the Senate.*

*And all motions to change such order, or to proceed to the consideration of other business, shall be decided without debate.*

Orders of the day may be discharged at any time, and a new one made for a different day. 3 *Grey*, 48, 313.

When a session is drawing to a close, and the important bills are all brought in, the House, in order to prevent interruption by further unimportant bills, sometimes comes to a resolution that no new bill be brought in, except it be sent from the other House. 3 *Grey*, 156.

All orders of the House determine with the session; and one taken under such an order may, after the session is ended, be discharged on a habeas corpus. *Raym.*, 120; *Jacob's L. D. by Ruffhead; Parliament*, 1 *Lev.*, 165, *Pitchara's case*.

Where the Constitution authorizes each House to determine the rules of its proceedings, it must mean in those cases (legislative, executive, or judiciary) submitted to them by the Constitution, or in something relating to these, and necessary toward their execution. But orders and resolutions are sometimes entered in the journals having no relation to these, such as acceptances of invitations to

attend orations, to take part in procession, &c. These must be understood to be merely conventional among those who are willing to participate in the ceremony, and are therefore, perhaps, improperly placed among the records of the House.

SEC. XIX.—PETITION.

A petition prays something. A remonstrance has no prayer. 1 *Grey*, 18.

Petitions must be subscribed by the petitioners, *Scob.*, 87; *L. Parl.*, c. 22; 9 *Grey*, 362, unless they are attending, 1 *Grey*, 401, or unable to sign, and averred by a member, 3 *Grey*, 418. But a petition not subscribed, but which the member presenting it affirmed to be all in the handwriting of the petitioner, and his name written in the beginning, was on the question (March 14, 1800) received by the Senate. The averment of a member, or of somebody without doors, that they know the handwriting of the petitioners, is necessary, if it be questioned. 6 *Grey*, 36. It must be presented by a member—not by the petitioners, and must be opened by him holding it in his hand. 10 *Grey*, 57.

[In the Senate.]

*Rule VII—Clauses 3, 4.*

3. Every petition or memorial shall be referred, without putting the question, unless objections to such reference is made; in which case all motions for the reception or reference of such petition, memorial, or other paper shall be put in the order in which the same shall be made, and shall not be open to amendment, except to add instructions.

4. Before any petition or memorial shall be received, it shall be signed by the petitioner or memorialist, and a brief statement of its contents made by the Presiding Officer or Senator presenting it. But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President.

Regularly a motion for receiving it must be made and seconded, and a question put, whether it shall be received? but a cry from the House of "received," or even its silence, dispenses with the formality of this question. It is then to be read at the table and disposed of.



But where an order is made that any particular matter on a particular day, there a question is to be put, whether the House will now proceed to that matter, or whether the orders of the day are on important or interesting matter, not to be proceeded on till an hour at which the House is full [*which in Senate is at noon*].

[*In the Senate.*]

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2. *When two or more special orders have been made for the same day, they shall have precedence according to the order in which they were originally assigned, and that order shall only be changed by decision of the Senate.*

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Orders of the day may be discharged at any time, and may be made for a different day. 3 *Grey*, 48, 313.

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All orders of the House determine with the session; and under such an order may, after the session is ended, be made for a habeas corpus. *Raym.*, 120; *Jacob's L. D. by Ruffin*, 1 *Lev.*, 165, *Pitchard's case*.

Where the Constitution authorizes each House to determine the rules of its proceedings, it must mean in those cases (legislative, or judiciary) submitted to them by the Constitution something relating to these, and necessary toward their execution. But orders and resolutions are sometimes entered in the journals having no relation to these, such as acceptances of in-

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## SEC. XX.—MOTIONS.

When a motion has been made, it is not to be put to the question or debated until it is seconded. *Scob.*, 21.

It is then, and not till then, in possession of the House, and cannot be withdrawn but by leave of the House. It is to be put into writing, if the House or Speaker require it, and must be read to the House by the Speaker as often as any member desires it for his information. 2 *Hats.*, 82.

[In the Senate.]

*Rule XXI.*

1. *All motions shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before the same shall be debated.*

2. *Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without leave.*

It might be asked whether a motion for adjournment or for the orders of the day can be made by one member while another is speaking? It can not. When two members offer to speak, he who rose first is to be heard, and it is a breach of order in another to interrupt him, unless by calling him to order if he departs from it. And the question of order being decided, he is still to be heard through. A call for adjournment, or for the order of the day, or for the question, by gentlemen from their seats, is not a motion. No motion can be made without rising and addressing the Chair. Such calls are themselves breaches of order, which, though the member who has risen may respect, as an expression of impatience of the House against further debate, yet, if he chooses, he has a right to go on.

## SEC. XXI.—RESOLUTIONS.

When the House commands, it is by an “order.” But fact, principles, and their own opinions and purposes, are expressed in the form of resolutions.

A resolution for an allowance of money to the clerks being moved, it was objected to as not in order, and so ruled by the Chair; but on

appeal to the Senate (*i. e.*, a call for their sense by the President, on account of doubt in his mind, according to Rule XX, clause 2), the decision was overruled. *Four. Senate, June 1, 1796.* I presume the doubt was, whether an allowance of money could be made otherwise than by bill.

SEC. XXII.—BILLS.

[In the Senate.]

Rule XIV—Clause 2.

2. *Every bill and joint resolution shall receive three readings previous to its passage; which readings shall be on three different days, unless the Senate unanimously direct otherwise; and the Presiding Officer shall give notice at each reading whether it be the first, second, or third.*

SEC. XXIII.—BILLS, LEAVE TO BRING IN.

When a member desires to bring in a bill on any subject, he states to the House in general terms the causes for doing it, and concludes by moving for leave to bring in a bill, entitled, &c. Leave being given, on the question, a committee is appointed to prepare and bring in the bill. The mover and seconder are always appointed of this committee, and one or more in addition. *Hakew.*, 132; *Scob.*, 40. It is to be presented fairly written, without any erasure or interlineation, or the Speaker may refuse it. *Scob.*, 41; 1 *Grey*, 82, 84.

[In the Senate.]

Rule XIV—Clause 1.

1. *Whenever a bill or joint resolution shall be offered, its introduction shall, if objected to, be postponed for one day.*

SEC. XXIV.—BILLS, FIRST READING.

When a bill is first presented, the Clerk reads it at the table, and hands it to the Speaker, who, rising, states to the House the title of the bill; that this is the first time of reading it; and the question will be, whether it shall be read a second time? then sitting down to give an opening for objections. If none be made, he rises again, and puts the question, whether it shall be read a second time? *Hakew.*, 137, 141. A bill cannot be amended on the first reading, 6 *Grey*, 286; nor is it usual for it to be opposed then, but it may be done, and rejected. *D'Ewes*, 335, col. 1; 3 *Hats.*, 198.

## SEC. XXV.—BILLS, SECOND READING.

The second reading must regularly be on another day. *Hakew.*, 143. It is done by the Clerk at the table, who then hands it to the Speaker. The Speaker, rising, states to the House the title of the bill; that this is the second time of reading it; and that the question will be, whether it shall be committed, or engrossed and read a third time? But if the bill came from the other House, as it always comes engrossed, he states that the question will be, whether it shall be read a third time? and before he has so reported the state of the bill, no one is to speak to it. *Hakew.*, 143, 146.

[In the Senate.]

RULE XIV—Clause 3.

3. *No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee; bills and joint resolutions introduced on leave, and bills and joint resolutions from the House of Representatives, shall be read once, and may be read twice, on the same day, if not objected to, for reference, but shall not be considered on that day as in Committee of the Whole, nor debated, except for reference, unless by unanimous consent.*

In the Senate of the United States, the President reports the title of the bill; that this is the second time of reading it; that it is now to be considered as in a Committee of the Whole; and the question will be, whether it shall be read a third time? or that it may be referred to a special committee?

## SEC. XXVI.—BILLS, COMMITMENT.

If on motion and question it be decided that the bill shall be committed, it may then be moved to be referred to Committee of the Whole House, or to a special committee. If the latter, the Speaker proceeds to name the committee. Any member also may name a single person, and the Clerk is to write him down as of the committee. But the House have a controlling power over the names and number, if a question be moved against any one; and may in any case put in and put out whom they please.

[In the Senate.]

RULE XXVI—Clause 1.

1. *When motions are made for reference of a subject to a select committee, or to a standing committee, the question of reference to a standing*

*committee shall be put first; and a motion simply to refer shall not be open to amendment, except to add instructions.*

Those who take exceptions to some particulars in the bill are to be of the committee, but none who speak directly against the body of the bill; for he that would totally destroy will not amend it, *Halew.*, 146; *Town.*, col., 208; *D'Ewes*, 634, col. 2; *Scob.*, 47; or, as is said, 5 *Grey*, 145, the child is not to be put to a nurse that cares not for it, 6 *Grey*, 373. It is therefore a constant rule "that no man is to be employed in any matter who has declared himself against it." And when any member who is against the bill hears himself named of its committee, he ought to ask to be excused. Thus, March 7, 1606, Mr. Hadley was, on the question being put, excused from being of a committee, declaring himself to be against the matter itself. *Scob.*, 46.

The Clerk may deliver the bill to any member of the committee, *Town.*, col. 138; but it is usual to deliver it to him who is first named.

In some cases the House has ordered a committee to withdraw immediately into the committee chamber, and act on and bring back the bill, sitting the House. *Scob.*, 48. A committee meet when and where they please, if the House has not ordered time and place for them, 6 *Grey*, 370; but they can only act when together, and not by separate consultation and consent—nothing being the report of the committee but what has been agreed to in committee actually assembled.

A majority of the committee constitutes a quorum for business. *Elsynge's Method of Passing Bills*, 11.

Any member of the House may be present at any select committee, but cannot vote, and must give place to all of the committee, and sit below them. *Elsynge*, 12; *Scob.*, 49.

The committee have full power over the bill or other paper committed to them, except that they cannot change the title or subject. 8 *Grey*, 228.

The paper before a committee, whether select or of the whole, may be a bill, resolutions, draught of an address, &c., and it may either originate with them or be referred to them. In every case the whole paper is read first by the Clerk, and then by the chairman, by paragraphs, *Scob.*, 49, pausing at the end of each paragraph, and

putting questions for amending, if proposed. In the case of resolutions on distinct subjects, originating with themselves, a question is put on each separately, as amended or unamended, and no final question on the whole, 3 *Hats.*, 276; but if they relate to the same subject, a question is put on the whole. If it be a bill, draught of an address, or other paper originating with them, they proceed by paragraphs, putting questions for amending, either by insertion or striking out, if proposed; but no question on agreeing to the paragraphs separately; this is reserved to the close, when a question is put on the whole, for agreeing to it as amended or unamended. But if it be a paper referred to them, they proceed to put questions of amendment, if proposed, but no final question on the whole; because all parts of the paper, having been adopted by the House, stand, of course, unless altered or struck out by a vote. Even if they are opposed to the whole paper, and think it cannot be made good by amendments, they cannot reject it, but must report it back to the House without amendments, and there make their opposition.

The natural order in considering and amending any paper is, to begin at the beginning, and proceed through it by paragraphs; and this order is so strictly adhered to in Parliament, that when a latter part has been amended, you cannot recur back and make any alteration in a former part. 2 *Hats.*, 90. In numerous assemblies this restraint is doubtless important. But in the Senate of the United States, though in the main we consider and amend the paragraphs in their natural order, yet recurrences are indulged; and they seem, on the whole, in that small body, to produce advantages overweighing their inconveniences.

To this natural order of beginning at the beginning, there is a single exception found in parliamentary usage. When a bill is taken up in committee, or on its second reading, they postpone the preamble till the other parts of the bill are gone through. The reason is, that on consideration of the body of the bill such alterations may therein be made as may also occasion the alteration of the preamble. *Scob.*, 50; 7 *Grey*, 431.

On this head the following case occurred in the Senate, March 6, 1800: A resolution which had no preamble having been already

amended by the House so that a few words only of the original remained in it, a motion was made to prefix a preamble, which having an aspect very different from the resolution, the mover intimated that he should afterwards propose a correspondent amendment in the body of the resolution. It was objected that a preamble could not be taken up till the body of the resolution is done with; but the preamble was received, because we are in fact through the body of the resolution; we have amended that as far as amendments have been offered, and, indeed, till little of the original is left. It is the proper time, therefore, to consider a preamble; and whether the one offered be consistent with the resolution is for the House to determine. The mover, indeed, has intimated that he shall offer a subsequent proposition for the body of the resolution; but the House is not in possession of it; it remains in his breast, and may be withheld. The rules of the House can only operate on what is before them. The practice of the Senate, too, allows recurrences backward and forward for the purpose of amendment, not permitting amendments in a subsequent to preclude those in a prior part, or *e converso*.

[In the Senate.]

Rule XXIII.

*When a bill or resolution is accompanied by a preamble, the question shall first be put on the bill or resolution and then on the preamble, which may be withdrawn by a mover before an amendment of the same, or ordering of the yeas and nays; or it may be laid on the table without prejudice to the bill or resolution, and shall be a final disposition of such preamble.*

When the committee is through the whole, a member moves that the committee may rise, and the chairman report the paper to the House, with or without amendments, as the case may be. 2 Hats., 289, 292; Scob., 53; 2 Hats., 290; 8 Scob., 50.

When a vote is once passed in a committee, it cannot be altered but by the House, their votes being binding on themselves. 1607, June 4.

The committee may not erase, interline, or blot the bill itself: but must, in a paper by itself set down the amendments, stating the words which are to be inserted or omitted, Scob., 50, and where, by references to page, line, and word of the bill. Scob., 50.



## SEC. XXVII.—REPORT OF COMMITTEE.

The chairman of the committee, standing in his place, informs the House that the committee to whom was referred such a bill, have, according to order, had the same under consideration, and have directed him to report the same without any amendment, or with sundry amendments (as the case may be), which he is ready to do when the House pleases to receive it. And he or any other may move that it be now received; but the cry of “now, now,” from the House, generally dispenses with the formality of a motion and question. He then reads the amendments, with the coherence in the bill, and opens the alterations and the reasons of the committee for such amendments, until he has gone through the whole. He then delivers it at the Clerk’s table, where the amendments reported are read by the Clerk without the coherence; whereupon the papers lie upon the table till the House, at its convenience, shall take up the report. *Scob.*, 52; *Hakew.*, 148.

[*In the Senate.*]*Rule XXVI—Clause 2.*

2. *All reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.*

The report being made, the committee is dissolved, and can act no more without a new power. *Scob.*, 51. But it may be revived by a vote, and the same matter recommitted to them. 4 *Grey*, 361.

## SEC. XXVIII.—BILL, RECOMMITMENT.

After a bill has been committed and reported, it ought not, in an ordinary course, to be recommitted; but in cases of importance, and for special reasons, it is sometimes recommitted, and usually to the same committee. *Hakew.*, 151. If a report be recommitted before agreed to in the House, what has passed in committee is of no validity; the whole question is again before the committee, and a new resolution must be again moved, as if nothing had passed. 3 *Hats.*, 131—*note*.

In Senate, January, 1800, the salvage bill was recommitted three times after the commitment.

A particular clause of a bill may be committed without the whole bill, 3 *Hats.*, 131; or so much of a paper to one and so much to another committee.

SEC. XXIX.—BILL, REPORTS TAKEN UP.

When the report of a paper originating with a committee is taken up by the House, they proceed exactly as in committee. Here, as in committee, when the paragraphs have, on distinct questions, been agreed to *seriatim*, 5 *Grey*, 366; 6 *Grey*, 368; 8 *Grey*, 47, 104, 360, 1 *Torbuck's Deb.*, 125; 3 *Hats.*, 348, no question needs be put on the whole report. 5 *Grey*, 381.

On taking up a bill reported with amendments, the amendments only are read by the Clerk. The Speaker then reads the first, and puts it to the question, and so on till the whole are adopted or rejected, before any other amendment be admitted, except it be an amendment to an amendment. *Elsynge's Mem.*, 53. When through the amendments of the committee, the Speaker pauses, and gives time for amendments to be proposed in the House to the body of the bill; as he does also if it has been reported without amendments; putting no questions but on amendments proposed; and when through the whole, he puts the question whether the bill shall be read a third time?

SEC. XXX.—QUASI-COMMITTEE.

If on motion and question the bill be not committed, or if no proposition for commitment be made, then the proceedings in the Senate of the United States and in Parliament are totally different. The former shall be first stated.

[In the Senate]

Rule XV—Clauses 1, 2.

1. All bills and joint resolutions which shall have received two readings shall first be considered by the Senate as in Committee of the Whole, after which they shall be reported to the Senate; and any amendments made in Committee of the Whole shall again be considered by the Senate, after which further amendments may be proposed.

2. When a bill or resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall be in order at any time before the pas-

*sage of any bill or resolution, to move its commitment; and when the bill or resolution shall again be reported from the committee, it shall be placed on the Calendar, and when again considered by the Senate, it shall be as in Committee of the Whole.*

The proceeding of the Senate as in a Committee of the Whole, or in quasi-committee, is precisely as in a real Committee of the Whole, taking no question but on amendments. When through the whole, they consider the quasi-committee as risen, the House resumed without any motion, question, or resolution to that effect, and the President reports that "the House, acting as in a Committee of the Whole, have had under their consideration the bill entitled, &c., and have made sundry amendments, which he will now report to the House." The bill is then before them, as it would have been if reported from a committee, and the questions are regularly to be put again on every amendment; which being gone through, the President pauses to give time to the House to propose amendments to the body of the bill, and, when through, puts the question whether it shall be read a third time?

After progress in amending the bill in quasi-committee, a motion may be made to refer it to a special committee. If the motion prevails, it is equivalent in effect to the several votes, that the committee rise, the House resume itself, discharge the Committee of the Whole, and refer the bill to a special committee. In that case, the amendments already made fall. But if the motion fails, the quasi-committee stands *in statu quo*.

How far does this XVth rule subject the House, when in quasi-committee, to the laws which regulate the proceedings of Committees of the Whole? The particulars in which these differ from proceedings in the House are the following: 1. In a committee every member may speak as often as he pleases. 2. The votes of a committee may be rejected or altered when reported to the House. 3. A committee, even of the whole, cannot refer any matter to another committee. 4. In a committee no previous question can be taken; the only means to avoid an improper discussion is to move that the committee rise; and if it be apprehended that the same discussion will be attempted on returning into committee, the House can dis-

charge them, and proceed itself on the business, keeping down the improper discussion by the previous question. 5. A committee cannot punish a breach of order in the House or in the gallery. 9 *Grey*, 113. It can only rise and report it to the House, who may proceed to punish. The first and second of these peculiarities attach to the quasi-committee of the Senate, as every day's practice proves, and it seems to be the only ones to which the XXVth rule meant to subject them; for it continues to be a House, and, therefore, though it acts in some respects as a committee, in others it preserves its character as a House. Thus (3) it is in the daily habit of referring its business to a special committee. 4. It admits of the previous question. If it did not, it would have no means of preventing an improper discussion; not being able, as a committee is, to avoid it by returning into the House, for the moment it would resume the same subject there, the XXVth rule declares it again a quasi-committee. 5. It would doubtless exercise its powers as a House on any breach of order. 6. It takes a question by yea and nay, as the House does. 7. It receives messages from the President and the other House. 8. In the midst of a debate it receives a motion to adjourn, and adjourns as a House, not as a committee.

SEC. XXXI.—BILL, SECOND READING IN THE HOUSE.

In Parliament, after the bill has been read a second time, if on the motion and question it be not committed, or if no proposition for commitment be made, the Speaker reads it by paragraphs, pausing between each, but putting no question but on amendments proposed; and when through the whole, he puts the question whether it shall be read a third time, if it came from the other House; or, if originating with themselves, whether it shall be engrossed and read a third time? The Speaker reads sitting, but rises to put questions. The Clerk stands while he reads.

\* But the Senate of the United States is so much in the habit of making many and material amendments at the third reading, that it

*\* Under the present rules of the Senate (Rule XV, Clause 2) no measure can be amended after it has been ordered to be read a third time, unless by unanimous consent, but as matter of fact the engrossment is not made until the measure has finally passed.*

has become the practice not to engross a bill till it has passed—an irregular and dangerous practice; because in this way the paper which passes the Senate is not that which goes to the other House, and that which goes to the other House as the act of the Senate, has never been seen in Senate. In reducing numerous, difficult, and illegible amendments into the text, the Secretary may, with the most innocent intentions, commit errors which can never again be corrected.

The bill being now as perfect as its friends can make it, this is the proper stage for those fundamentally opposed to make their first attack. All attempts at earlier periods are with disjointed efforts, because many who do not expect to be in favor of the bill ultimately, are willing to let it go on to its perfect state, to take time to examine it themselves and to hear what can be said for it, knowing that after all they will have sufficient opportunities of giving it their veto. Its two last stages, therefore, are reserved for this—that is to say, on the question whether it shall be engrossed and read a third time? and, lastly, whether it shall pass? The first of these is usually the most interesting contest; because then the whole subject is new and engaging, and the minds of the members having not yet been declared by any trying vote the issue is the more doubtful. In this stage, therefore, is the main trial of strength between its friends and opponents, and it behooves every one to make up his mind decisively for this question, or he loses the main battle; and accident and management may, and often do, prevent a successful rallying on the next and last question, whether it shall pass?

When the bill is engrossed, the title is to be indorsed on the back, and not within the bill.—*Hakew*, 250.

#### SEC. XXXII.—READING PAPERS.

Where papers are laid before the House or referred to a committee, every member has a right to have them once read at the table before he can be compelled to vote on them; but it is a great though common error to suppose that he has a right, *toties quoties*, to have acts, journals, accounts, or papers on the table, read independently of the will of the House. The delay and interruption which

this might be made to produce evince the impossibility of the existence of such a right. There is, indeed, so manifest a propriety of permitting every member to have as much information as possible on every question on which he is to vote, that when he desires the reading, if it be seen that it is really for information and not for delay, the Speaker directs it to be read without putting a question, if no one objects; but if objected to, a question must be put.—2 *Hats.*, 117, 118.

[In the Senate]

Rule XI

*When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate, without debate.*

It is equally an error to suppose that any member has a right, without a question put, to lay a book or paper on the table, and have it read, on suggesting that it contains matter infringing on the privileges of the House.—*Id.*

For the same reason, a member has not a right to read a paper in his place, if it be objected to, without leave of the House. But this rigor is never exercised but where there is an intentional or gross abuse of the time and patience of the House.

A member has not a right even to read his own speech, committed to writing, without leave. This also is to prevent an abuse of time, and therefore is not refused but where that is intended.—2 *Grey*, 227.

A report of a committee of the Senate on a bill from the House of Representatives being under consideration: on motion that the report of the committee of the House of Representatives on the same bill be read in the Senate, it passed in the negative—*Feb.* 28, 1793.

Formerly, when papers were referred to a committee, they used to be first read, but of late only the titles, unless a member insists they shall be read, and then nobody can oppose it.—2 *Hats.*, 117.

#### SEC XXXIII PRIVILEGED QUESTIONS.

It is no possession of a bill unless it be delivered to the Clerk to read, or the Speaker reads the title—*Lex. Parl.*, 274; *Elvynge Mem.*, 85; *Ord. House of Commons*, 64.

It is a general rule that the question first moved and seconded

shall be first put. *Scob.*, 28, 22; 2 *Hats.*, 81. But this rule gives way to what may be called privileged questions; and the privileged questions are of different grades among themselves.

A motion to adjourn simply takes place of all others; for otherwise the House might be kept sitting against its will, and indefinitely. Yet this motion cannot be received after another question is actually put and while the House is engaged in voting.

[*In the Senate.*] *The present rules specify the motions entitled to preference as follows:*

*Rule XXII.*

*When a question is pending no motion shall be received but—*

*To adjourn,*

*To adjourn to a day certain, or that when the Senate adjourn, it shall be to a day certain,*

*To take a recess,*

*To proceed to the consideration of executive business,*

*To lay on the table,*

*To postpone indefinitely,*

*To postpone to a day certain,*

*To commit,*

*To amend;*

*which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.*

*Rule IX.*

*Immediately after the consideration of cases not objected to upon the Calendar is completed, and not later than two o'clock, if there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the Calendar next after the last subject disposed of in proceeding with the Calendar, and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of Executive business, or questions of privilege, to wit:*

*First. A motion to proceed to the consideration of an appropriation or revenue bill.*

*Second. A motion to proceed to the consideration of any other bill on the Calendar, which motion shall not be open to amendment.*

*Third. A motion to pass over the pending subject, which, if carried, shall have the effect to leave such subject without prejudice in its place on the Calendar.*

*Fourth. A motion to place such subject at the foot of the Calendar.*

*Each of the foregoing motions shall be decided without debate, and shall have precedence in the order above named, and may be submitted as in the nature and with all the rights of questions of order.*

Orders of the day take place of all other questions, except for adjournment—that is to say, the question which is the subject of an order is made a privileged one, *pro hac vice*. The order is a repeal of the general rule as to this special case. When any member moves, therefore, for the order of the day to be read, no further debate is permitted on the question which was before the House; for if the debate might proceed it might continue through the day and defeat the order. This motion, to entitle it to precedence, must be for the orders generally, and not for any particular one; and if it be carried on the question, "Whether the House will now proceed to the orders of the day?" they must be read and proceeded on in the course in which they stand, 2 *Hats.*, 83; for priority of order gives priority of right, which can not be taken away but by another special order.

After these there are other privileged questions, which will require considerable explanation.

It is proper that every parliamentary assembly should have certain forms of questions, so adapted as to enable them fitly to dispose of every proposition which can be made to them. Such are, 1. The previous question. 2. To postpone indefinitely. 3. To adjourn a question to a definite day. 4. To lie on the table. 5. To commit. 6. To amend. The proper occasion for each of these questions should be understood.

1. When a proposition is moved which it is useless or inexpedient now to express or discuss, the previous question has been introduced for suppressing for that time the motion and its discussion. 3 *Hats.*, 188, 189.

2. But as the previous question gets rid of it only for that day,



and the same proposition may recur the next day, if they wish to suppress it for the whole of that session, they postpone it indefinitely. 3 *Hats.*, 183. This quashes the proposition for that session, as an indefinite adjournment is a dissolution, or the continuance of a suit *sine die* is a discontinuance of it.

3. When a motion is made which it will be proper to act on, but information is wanted, or something more pressing claims the present time, the question or debate is adjourned to such day within the session as will answer the views of the House. 2 *Hats.*, 81. And those who have spoken before may not speak again when the adjourned debate is resumed. 2 *Hats.*, 73. Sometimes, however, this has been abusively used by adjourning it to a day beyond the session, to get rid of it altogether, as would be done by an indefinite postponement.

4. When the House has something else which claims its present attention, but would be willing to reserve in their power to take up a proposition whenever it shall suit them, they order it to lie on their table. It may then be called for at any time.

5. If the proposition will want more amendment and digestion than the formalities of the House will conveniently admit, they refer it to a committee.

6. But if the proposition be well digested, and may need but few and simple amendments, and especially if these be of leading consequence, they then proceed to consider and amend it themselves.

The Senate, in their practice, vary from this regular gradation of forms. Their practice comparatively with that of Parliament stands thus:

FOR THE PARLIAMENTARY :

THE SENATE USES :

Postponement indefinite,

Postponement to a day beyond the session.

Adjournment,

Postponement to a day within the session.

Lying on the table,

{ Postponement indefinite.  
{ Lying on the table.

In their eighth rule (XXII), therefore, which declares that while a question is before the Senate no motion shall be received, unless it be for the previous question, or to postpone, commit, or amend the main question, the term postponement must be understood according to their broad use of it, and not in its parliamentary sense. Their rule, then, establishes as privileged questions, the previous question, postponement, commitment, and amendment.

But it may be asked: Have these questions any privilege among themselves? or are they so equal that the common principle of the "first moved first put" takes place among them? This will need explanation. Their competitions may be as follows:

- |                                   |          |   |  |
|-----------------------------------|----------|---|--|
| 1. Previous question and          | postpone | } | In the first, second, and third classes, and the first member of the fourth class, the rule "first moved first put" takes place. |
|                                   | commit   |   |  |
|                                   | amend    |   |  |
| 2. Postpone and previous question | commit   | } |  |
|                                   | amend    |   |  |
| 3. Commit and previous question   | postpone | } |  |
|                                   | amend    |   |  |
| 4. Amend and previous question    | postpone | } |  |
|                                   | commit   |   |  |

In the first class, where the previous question is first moved, the effect is peculiar; for it not only prevents the after motion to postpone or commit from being put to question before it, but also from being put after it; for if the previous question be decided affirmatively, to wit, that the main question shall *now* be put, it would of course be against the decision to postpone or commit; and if it be decided negatively, to wit, that the main question shall not now be put, this puts the House out of possession of the main question, and consequently there is nothing before them to postpone or commit. So that neither voting for nor against the previous question will enable the advocates for postponing or committing to get at their object. Whether it may be amended shall be examined hereafter.

Second class. If postponement be decided affirmatively, the proposition is removed from before the House, and consequently there is no ground for the previous question, commitment or amendment; but if decided negatively (that it shall not be postponed), the main question may then be suppressed by the previous question, or may be committed, or amended.

The third class is subject to the same observations as the second.

The fourth class. Amendment of the main question first moved, and afterwards the previous question, the question of amendment shall be first put.

Amendment and postponement competing, postponement is first put, as the equivalent proposition to adjourn the main question would be in Parliament. The reason is that the question for amendment is not suppressed by postponing or adjourning the main question, but remains before the House whenever the main question is resumed; and it might be that the occasion for other urgent business might go by, and be lost by length of debate on the amendment, if the House had it not in their power to postpone the whole subject.

Amendment and commitment. The question for committing, though last moved, shall be first put; because, in truth, it facilitates and befriends the motion to amend. *Scobell* is express: "On motion to amend a bill, any one may notwithstanding move to commit it, and the question for commitment shall be first put." *Scob.*, 46.

We have hitherto considered the case of two or more of the privileged questions contending for privilege between themselves, when both are moved on the original or main question; but now let us suppose one of them to be moved, not on the original primary question, but on the secondary one, *e. g.*:

Suppose a motion to postpone, commit, or amend the main question, and that it be moved to suppress that motion by putting a previous question on it. This is not allowed: because it would embarrass questions too much to allow them to be piled on one another several stories high; and the same result may be had in a more simple way—by deciding against the postponement, commitment, or amendment. 2 *Hats.*, 81, 2, 3, 4.

Suppose a motion for the previous question, or commitment or amendment of the main question, and that it be then moved to post-

pone the motion for the previous question, or for commitment or amendment of the main question. 1. It would be absurd to postpone the previous question, commitment, or amendment, alone, and thus separate the appendage from its principal; yet it must be postponed separately from its original, if at all; because the eighth rule of Senate says that when a main question is before the House no motion shall be received but to commit, amend, or pre-question the original question, which is the parliamentary doctrine also. Therefore the motion to postpone the secondary motion for the previous question, or for committing or amending, can not be received. 2. This is a piling of questions one on another; which, to avoid embarrassment, is not allowed. 3. The same result may be had more simply by voting against the previous question, commitment, or amendment.

Suppose a commitment moved of a motion for the previous question, or to postpone or amend. The first, second, and third reasons, before stated, all hold good against this.

Suppose an amendment moved to a motion for the previous question. Answer: The previous question can not be amended. Parliamentary usage, as well as the ninth rule of the Senate, has fixed its form to be, "Shall the main question be now put?"—*i. e.*, at this instant; and as the present instant is but one, it can admit of no modification. To change it to to-morrow, or any other moment, is without example and without utility. But suppose a motion to amend a motion for postponement, as to one day instead of another, or to a special instead of an indefinite time. The useful character of amendment gives it a privilege of attaching itself to a secondary and privileged motion: that is, we may amend a postponement of a main question. So, we may amend a commitment of a main question, as by adding, for example, "with instructions to inquire," &c. In like manner, if an amendment be moved to an amendment, it is admitted; but it would not be admitted in another degree, to wit, to amend an amendment to an amendment of a main question. This would lead to too much embarrassment. The line must be drawn somewhere, and usage has drawn it after the amendment to the amendment. The same result must be sought by deciding against the amendment to the amendment, and then moving it again as it was

wished to be amended. In this form it becomes only an amendment to an amendment.

[*In the Senate.*]

*Rule XXVI—Clause 1.*

1. *When motions are made for reference of a subject to a select committee, or to a standing committee, the question of reference to a standing committee shall be put first; and a motion simply to refer shall not be open to amendment, except to add instructions.*

[In filling a blank with a sum, the largest sum shall be first put to the question, by the thirteenth rule of the Senate,\*] contrary to the rule of Parliament, which privileges the smallest sum and longest time. 5 *Grey*, 179; 2 *Hats.*, 8, 83; 3 *Hats.*, 132, 133.] And this is considered to be not in the form of an amendment to the question, but as alternative or successive originals. In all cases of time or number, we must consider whether the larger comprehends the lesser, as in a question to what day a postponement shall be, the number of a committee, amount of a fine, term of an imprisonment, term of irredeemability of a loan, or the terminus in quem in any other case; then the question must begin a maximo. Or whether the lesser includes the greater, as in questions on the limitation of the rate of interest, on what day the session shall be closed by adjournment, on what day the next shall commence, when an act shall commence, or the terminus a quo in any other case where the question must begin a minimo; the object being not to begin at that extreme which, and more, being within every man's wish, no one could negative it, and yet, if he should vote in the affirmative, every question for more would be precluded; but at that extreme which would unite few, and then to advance or recede till you get to a number which will unite a bare majority. 3 *Grey*, 376, 384, 385. "The fair question in this case is not that to which, and more, all will agree, but whether there shall be addition to the question." 1 *Grey*, 365.

Another exception to the rule of priority is when a motion has been made to strike out, or agree to, a paragraph. Motions to amend it are to be put to the question before a vote is taken on striking out or agreeing to the whole paragraph.

But there are several questions which, being incidental to every one, will take place of every one, privileged or not; to wit, a question

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\* This rule was dropped in the last revision.

of order arising out of any other question must be decided before that question. 2 *Hats.*, 88.

[In the Senate]

Rule XX.

1. A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate; when an appeal is taken, any subsequent question of order, which may arise before the decision of such appeal, shall be decided by the Presiding Officer without debate; and every appeal therefrom shall be decided at once, and without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the Presiding Officer.

2. The Presiding Officer may submit any question of order for the decision of the Senate.

A matter of privilege arising out of any question, or from a quarrel between two members, or any other cause, supercedes the consideration of the original question, and must be first disposed of. 2 *Hats.*, 88.

Reading papers relative to the question before the House. This question must be put before the principal one. 2 *Hats.*, 88.

Leave asked to withdraw a motion. The rule of Parliament being that a motion made and seconded is in the possession of the House, and cannot be withdrawn without leave, the very terms of the rule imply that leave may be given, and, consequently, may be asked and put to the question.

#### SEC. XXXIV.—THE PREVIOUS QUESTION.

When any question is before the House, any member may move a previous question, "Whether that question (called the main question) shall now be put?" If it pass in the affirmative, then the main question is to be put immediately, and no man may speak anything further to it, either to add or alter. *Memor. in Hakew.*, 28; 4 *Grey*, 27.

The previous question being moved and seconded, the question from the Chair shall be, "Shall the main question be now put?" and if the nays prevail, the main question shall not then be put.

This kind of question is understood by Mr. Hatsell to have been introduced in 1604. 2 *Hats.*, 80. Sir Henry Vane introduced it.

2 *Grey*, 113, 114; 3 *Grey*, 384. When the question was put in this form, "Shall the main question be put?" a determination in the negative suppressed the main question during the session; but since the words "now put" are used, they exclude it for the present only; formerly, indeed, only till the present debate was over, 4 *Grey*, 43, but now for that day and no longer. 2 *Grey*, 113, 114.

Before the question "Whether the main question shall now be put?" any person might formerly have spoken to the main question, because otherwise he would be precluded from speaking to it at all. *Mem. in Hakew.*, 28.

The proper occasion for the previous question is when a subject is brought forward of a delicate nature as to high personages, &c., or the discussion of which may call forth observations which might be of injurious consequences. Then the previous question is proposed; and in the modern usage, the discussion of the main question is suspended, and the debate confined to the previous question. The use of it has been extended abusively to other cases; but in these it has been an embarrassing procedure; its uses would be as well answered by other more simple parliamentary forms, and therefore it should not be favored, but restricted within as narrow limits as possible.

Whether a main question may be amended after the previous question on it has been moved and seconded? 2 *Hats.*, 88, says, if the previous question has been moved and seconded, and also proposed from the Chair, (by which he means stated by the Speaker for debate,) it has been doubted whether an amendment can be admitted to the main question. He thinks it may, after the previous question moved and seconded; but not after it has been proposed from the Chair. In this case, he thinks the friends to the amendment must vote that the main question be not now put; and then move their amended question, which being made new by the amendment, is no longer the same which has been just suppressed, and therefore may be proposed as a new one. But this proceeding certainly endangers the main question, by dividing its friends, some of whom may choose it unamended, rather than lose it altogether; while others of them may vote, as Hatsell advises, that the main question be not now put, with a view to move it again in an amended form. The enemies of the

main question, by this maneuver to the previous question, get the enemies to the amendment added to them on the first vote, and throw the friends of the main question under the embarrassment of rallying again as they can. To support this opinion, too, he makes the deciding circumstance, whether an amendment may or may not be made, to be, that the previous question has been proposed from the Chair. But, as the rule is that the House is in possession of a question as soon as it is moved and seconded, it cannot be more than possessed of it by its being also proposed from the Chair. It may be said, indeed, that the object of the previous question being to get rid of a question, which it is not expedient should be discussed, this object may be defeated by moving to amend; and, in the discussion of that motion, involving the subject of the main question. But so may the object of the previous question be defeated, by moving the amended question, as Mr. Hatsell proposes, after the decision against putting the original question. He acknowledges, too, that the practice has been to admit previous amendments, and only cites a few late instances to the contrary. On the whole, I should think it best to decide it *ab inconvenienti*, to wit: Which is most inconvenient, to put it in the power of one side of the House to defeat a proposition by hastily moving the previous question, and thus forcing the main question to be put unamended; or to put it in the power of the other side to force on, incidentally at least, a discussion which would be better avoided? Perhaps the last is the least inconvenience; inasmuch as the Speaker, by confining the discussion rigorously to the amendment only, may prevent their going into the main question; and inasmuch also as so great a proportion of the cases in which the previous question is called for, are fair and proper subjects of public discussion, and ought not to be obstructed by a formality introduced for questions of a peculiar character.

SEC. XXV.—AMENDMENTS.

On an amendment being moved, a member who has spoken to the main question may speak again to the amendment. *Scob.*, 23.

If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the



competence of the Speaker to suppress as if it were against order. For were he permitted to draw questions of consistence within the vortex of order, he might usurp a negative on important modifications, and suppress, instead of subserving, the legislative will.

Amendments may be made so as totally to alter the nature of the proposition; and it is a way of getting rid of a proposition, by making it bear a sense different from what it was intended by the movers, so that they vote against it themselves. 2 *Hats.*, 79; 4, 82, 84. A new bill may be ingrafted, by way of amendment, on the words "Be it enacted," &c. 1 *Grey*, 190, 192.

If it be proposed to amend by leaving out certain words, it may be moved, as an amendment to this amendment, to leave out a part of the words of the amendment, which is equivalent to leaving them in the bill. 2 *Hats.*, 80, 9. The parliamentary question is, always, whether the words shall stand part of the bill.

When it is proposed to amend by inserting a paragraph, or part of one, the friends of the paragraph may make it as perfect as they can by amendments before the question is put for inserting it. If it be received, it cannot be amended afterward, in the same stage, because the House has, on a vote, agreed to it in that form. In like manner, if it is proposed to amend by striking out a paragraph, the friends of the paragraph are first to make it as perfect as they can by amendments, before the question is put for striking it out. If on the question it be retained, it cannot be amended afterward, because a vote against striking out is equivalent to a vote agreeing to it in that form.

When it is moved to amend by striking out certain words and inserting others, the manner of stating the question is first to read the whole passage to be amended as it stands at present, then the words proposed to be struck out, next those to be inserted, and lastly the whole passage as it will be when amended. And the question, if desired, is then to be divided, and put first on striking out. If carried, it is next on inserting the words proposed. If that be lost, it may be moved to insert others. 2 *Hats.*, 80, 7.

A motion is made to amend by striking out certain words and inserting others in their place, which is negatived. Then it is moved to strike out the same words, and to insert others of a tenor entirely

different from those first proposed. It is negatived. Then it is moved to strike out the same words and insert nothing, which is agreed to. All this is admissible, because to strike out and insert A is one proposition. To strike out and insert B is a different proposition. And to strike out and insert nothing is still different. And the rejection of one proposition does not preclude the offering a different one. Nor would it change the case were the first motion divided by putting the question first on striking out, and that negatived; for, as putting the whole motion to the question at once would not have precluded, the putting the half of it cannot do it.\*

[In the Senate.]

Rule XVIII.

*If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.*

But if it had been carried affirmatively to strike out the words and to insert A, it could not afterward be permitted to strike out A and insert B. The mover of B should have notified, while the insertion of A was under debate, that he would move to insert B; in which case those who preferred it would join in rejecting A.

After A is inserted, however, it may be moved to strike out a portion of the original paragraph, comprehending A, provided the coherence to be struck out be so substantial as to make this effectively a

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\* In the case of a division of the question, and a decision against striking out, I advance doubtingly the opinion here expressed. I find no authority either way, and I know it may be viewed under a different aspect. It may be thought that, having decided separately not to strike out the passage, the same question for striking out cannot be put over again, though with a view to a different insertion. Still I think it more reasonable and convenient to consider the striking out and insertion as forming one proposition, but should readily yield to any evidence that the contrary is the practice in Parliament.

different proposition ; for then it is resolved into the common case of striking out a paragraph after amending it. Nor does anything forbid a new insertion, instead of A and its coherence.

In Senate, January 25, 1798, a motion to postpone until the second Tuesday in February some amendments proposed to the Constitution ; the words "until the second Tuesday in February" were struck out by way of amendment. Then it was moved to add, "until the first day of June." Objected that it was not in order, as the question should be first put on the longest time ; therefore, after a shorter time decided against, a longer cannot be put to question. It was answered that this rule takes place only in filling blanks for time. But when a specific time stands part of a motion, that may be struck out as well as any other part of the motion ; and when struck out, a motion may be received to insert any other. In fact, it is not until they are struck out, and a blank for the time thereby produced, that the rule can begin to operate, by receiving all the propositions for different times, and putting the questions successively on the longest. Otherwise it would be in the power of the mover by inserting originally a short time, to preclude the possibility of a longer ; for till the short time is struck out, you cannot insert a longer ; and if, after it is struck out, you cannot do it, then it cannot be done at all. Suppose the first motion had been made to amend by striking out "the second Tuesday in February," and inserting instead thereof "the first of June," it would have been regular, then, to divide the question, by proposing first the question to strike out and then that to insert. Now this is precisely the effect of the present proceeding ; only, instead of one motion and two questions, there are two motions and two questions to effect it—the motion being divided as well as the question.

When the matter contained in two bills might be better put into one, the manner is to reject the one, and incorporate its matter into another bill by way of amendment. So if the matter of one bill would be better distributed into two, any part may be struck out by way of amendment, and put into a new bill. If a section is to be transposed, a question must be put on striking it out where it stands and another for inserting it in the place desired.

A bill passed by the one House with blanks. These may be filled up by the other by way of amendments, returned to the first as such, and passed. 3 *Hats.*, 83.

The number prefixed to the section of a bill, being merely a marginal indication, and no part of the text of the bill, the Clerk regulates that—the House or committee is only to amend the text.

#### SEC. XXXVL.—DIVISION OF THE QUESTION.

If a question contain more parts than one, it may be divided into two or more questions. *Mem. in Hakew.*, 29. But not as the right of an individual member, but with the consent of the House. For who is to decide whether a question is complicated or not—where it is complicated—into how many propositions it may be divided? The fact is, that the only mode of separating a complicated question is by moving amendments to it; and these must be decided by the House, on a question, unless the House orders it to be divided; as, on the question, December 2, 1640, making void the election of the knights for Worcester, on a motion it was resolved to make two questions of it, to wit, one on each knight. 2 *Hats.*, 85, 86. So, wherever there are several names in a question, they may be divided and put one by one. 9 *Grey*, 444. So, 1729, April 17, on an objection that a question was complicated, it was separated by amendment. 2 *Hats.*, 79.

The soundness of these observations will be evident from the embarrassments produced by the XVIII rule of the Senate, which says, "if the question in debate contains several points, any member may have the same divided."

1798, May 30, the alien bill in quasi-committee. To a section and proviso in the original, had been added two new provisos by way of amendment. On a motion to strike out the section as amended, the question was desired to be divided. To do this it must be put first on striking out either the former proviso, or some distinct member of the section. But when nothing remains but the last member of the section and the provisos, they cannot be divided so as to put the last member to question by itself, for the provisos might thus be left standing alone as exceptions to a rule when the rule is taken away;

or the new provisos might be left to a second question, after having been decided on once before at the same reading, which is contrary to rule. But the question must be on striking out the last member of the section as amended. This sweeps away the exceptions with the rule, and relieves from inconsistency. A question to be divisible must comprehend points so distinct and entire that one of them being taken away, the other may stand entire. But a proviso or exception, without an enacting clause, does not contain an entire point or proposition.

May 31.—The same bill being before the Senate. There was a proviso that the bill should not extend—1. To any foreign minister; nor, 2. To any person to whom the President should give a passport; nor, 3. To any alien merchant conforming himself to such regulations as the President shall prescribe; and a division of the question into its simplest elements was called for. It was divided into four parts, the 4th taking in the words “conforming himself,” &c. It was objected that the words “any alien merchant,” could not be separated from their modifying words, “conforming,” &c., because these words, if left by themselves, contain no substantive idea, will make no sense. But admitting that the divisions of a paragraph into separate questions must be so made as that each part may stand by itself, yet the House having, on the question, retained the two first divisions, the words “any alien merchant” may be struck out, and their modifying words will then attach themselves to the preceding description of persons, and become a modification of that description.

When a question is divided, after the question on the 1st member, the 2d is open to debate and amendment; because it is a known rule that a person may rise and speak at any time before the question has been completely decided, by putting the negative as well as affirmative side. But the question is not completely put when the vote has been taken on the first member only. One-half of the question, both affirmative and negative, remains still to be put. See *Execut. Jour.*, June 25, 1795. The same decision by President Adams.

#### SEC. XXXVII.—COEXISTING QUESTIONS.

It may be asked whether the House can be in possession of two motions or propositions at the same time? so that, one of them being

decided, the other goes to question without being moved anew? The answer must be special. When a question is interrupted by a vote of adjournment, it is thereby removed from before the House, and does not stand *ipso facto* before them at their next meeting, but must come forward in the usual way. So, when it is interrupted by the order of the day. Such other privileged questions also as dispose of the main question (*e. g.*, the previous question, postponement, or commitment), remove it from before the House. But it is only suspended by a motion to amend, to withdraw, to read papers, or by a question of order or privilege, and stands again before the House when these are decided. None but the class of privileged questions can be brought forward while there is another question before the House, the rule being that when a motion has been made and seconded, no other can be received except it be a privileged one.

#### SEC. XXXVIII.—EQUIVALENT QUESTIONS.

If, on a question for rejection, a bill be retained, it passes, of course, to its next reading. *Hakew.*, 141; *Scob.*, 42. And a question for a second reading determined negatively, is a rejection without further question. 4 *Grey*, 149. And see *Elsynge's Memor.*, 42, in what cases questions are to be taken for rejection.

Where questions are perfectly equivalent, so that the negative of the one amounts to the affirmative of the other, and leaves no other alternative, the decision of the one concludes necessarily the other. 4 *Grey*, 157. Thus the negative of striking out amounts to the affirmative of agreeing; and therefore to put a question on agreeing after that on striking out, would be to put the same question in effect twice over. Not so in questions of amendments between the two Houses. A motion to recede being negatived, does not amount to a positive vote to insist, because there is another alternative, to wit, to adhere.

A bill originating in one House is passed by the other with an amendment. A motion in the originating House to agree to the amendment is negatived. Does there result from this a vote of disagreement, or must the question on disagreement be expressly voted?

The question respecting amendments from another House are—1st, to agree; 2d, disagree; 3d, recede; 4th, insist; 5th, adhere.

1st. To agree.

2d. To disagree.

} Either of these concludes the other necessarily, for the positive of either is exactly the equivalent to the negative of the other, and no other alternative remains. On either motion amendments to the amendment may be proposed; *e. g.*, if it be moved to disagree, those who are for the amendment have a right to propose amendments, and to make it as perfect as they can, before the question of disagreeing is put.

3d. To recede.

4th. To insist

5th. To adhere.

} You may then either insist or adhere.  
You may then either recede or adhere.  
You may then either recede or insist.

Consequently the negative of these is not equivalent to a positive vote, the other way. It does not raise so necessary an implication as may authorize the Secretary by inference to enter another vote; for two alternatives still remain, either of which may be adopted by the House.

#### SEC. XXXIX.—THE QUESTION.

The question is to be put first on the affirmative, and then on the negative side.

After the Speaker has put the affirmative part of the question, any member who has not spoken before to the question may rise and speak before the negative be put; because it is no full question till the negative part be put. *Scob.*, 23; 2 *Hats.*, 73.

But in small matters, and which are of course, such as receiving petitions, reports, withdrawing motions, reading papers, &c., the Speaker most commonly supposes the consent of the House where no objection is expressed, and does not give them the trouble of putting the question formally. *Scob.*, 22; 2 *Hats.*, 79, 2, 87; 5 *Grey*, 129; 9 *Grey*, 301.

**SEC. XL.—BILLS, THIRD READING.**

To prevent bills from being passed by surprise, the House, by a standing order, directs that they shall not be put on their passage before a fixed hour, naming one at which the house is commonly full. *Hakew.*, 153.

The usage of the Senate is, not to put bills on their passage till noon.

A bill reported and passed to the third reading, cannot on that day be read the third time and passed; because this would be to pass on two readings in the same day.

At the third reading the Clerk reads the bill and delivers it to the Speaker, who states the title, that it is the third time of reading the bill, and that the question will be whether it shall pass. Formerly the Speaker, or those who prepared a bill, prepared also a brieve or summary statement of its contents, which the Speaker read when he declared the state of the bill, at the several readings. Sometimes, however, he read the bill itself, especially on its passage. *Hakew.*, 136, 137, 153; *Coke*, 22, 115. Latterly, instead of this, he, at the third reading, states the whole contents of the bill verbatim, only, instead of reading the formal parts, "Be it enacted," &c., he states that "preamble recites so and so—the 1st section enacts that, &c.; the 2d section enacts," &c.

But in the Senate of the United States, both of these formalities are dispensed with; the brieve presenting but an imperfect view of the bill, and being capable of being made to present a false one; and the full statement being a useless waste of time, immediately after a full reading by the Clerk, and especially as every member has a printed copy in his hand.

A bill on the third reading is not to be committed for the matter or body thereof, but to receive some particular clause or proviso, it hath been sometimes suffered, but as a thing very unusual. *Hakew.*, 156. Thus, 27 *El.*, 1584, a bill was committed on the third reading, having been formerly committed on the second, but is declared not usual. *D'Ewes*, 337, col. 2; 414, col. 2.

When an essential provision has been omitted, rather than erase the bill and render it suspicious, they add a clause on a separate



Clause offered on report of bill be read second time	}	Ayes.	334.
For receiving a clause . . . . .			
With amendments be engrossed . . . . .	}	Noes.	398.
That a bill be <i>now</i> read a third time . . . . .			
Receive a rider . . . . .	}	Ayes.	259.
Pass . . . . .			
Be printed . . . . .			
Committees. That A take the chair . . . . .	}	Noes.	291.
To agree to the whole or any part of report . . . . .			
That the House do <i>now</i> resolve into committee . . . . .			
Speaker. That he now leave the chair, after order to go into committee . . . . .			
That he issue warrant for a new writ . . . . .	}	Ayes.	344.
Member. That none be absent without leave . . . . .			
Witness. That he be further examined . . . . .	}	Noes.	
Previous question . . . . .			
Blanks. That they be filled with the largest sum . . . . .	}	Ayes.	
Amendments. That words stand part of . . . . .			
Lords. That their amendment be read a second time . . . . .	}	Noes.	
Messenger be received . . . . .			
Orders of day to be now read, if before 2 o'clock . . . . .	}	Noes.	
If after 2 o'clock . . . . .			
Adjournment. Till the next sitting day, if before 4 o'clock . . . . .	}	Ayes.	
If after 4 o'clock . . . . .			
Over a sitting day (unless a previous resolution) . . . . .	}	Noes.	
Over the 30th of January . . . . .			
For sitting on Sunday, or any other day not being a sitting day . . . . .	}	Ayes.	

The one party being gone forth, the Speaker names two tellers from the affirmative and two from the negative side, who first count those sitting in the House and report the number to the Speaker. Then they place themselves within the door, two on each side, and count those who went forth as they come in, and report the number to the Speaker. *Mem. in Hakew., 26*

A mistake in the report of the tellers may be rectified after the report made. 2 *Hats.*, 145, *note*.

But in both Houses of Congress all these intricacies are avoided. The ayes first rise, and are counted standing in their places by the President or Speaker. Then they sit, and the noes rise and are counted in like manner.

In Senate, if they be equally divided, the Vice-President announces his opinion, which decides.

The Constitution, however, has directed that "the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal." And again: that in all cases of reconsidering a bill disapproved by the President and returned with his objections, "the votes of both Houses shall be determined by yeas and nays, and the names of persons voting for and against the bill shall be entered on the journals of each House respectively."

When it is proposed to take the vote by yeas and nays, the President or Speaker states that "the question is whether, *e. g.*, the bill shall pass—that it is proposed that the yeas and nays shall be entered on the journal. Those, therefore, who desire it, will rise." If he finds and declares that one-fifth have risen, he then states that "those who are of opinion that the bill shall pass are to answer in the affirmative; those of the contrary opinion in the negative." The Clerk then calls over the names alphabetically, notes the yea or nay of each, and gives the list to the President or Speaker, who declares the result. In the Senate, if there be an equal division, the Secretary calls on the Vice President and notes his affirmative or negative, which becomes the decision of the House.

[In the Senate.]

Rule XII—Clause 1.

1. *When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, but may for sufficient reasons, with unanimous consent, change or withdraw his vote. No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.*

In the House of Commons, every member must give his vote the one way or the other, *Scob.*, 24, as it is not permitted to any one to withdraw who is in the House when the question is put, nor is any one to be told in the division who was not in when the question was put. 2 *Hats.*, 140.

This last position is always true when the vote is by yeas and nays; where the negative as well as affirmative of the question is stated by the President at the same time, and the vote of both sides begins and proceeds *pari passu*. It is true also when the question is put in the usual way, if the negative has also been put; but if it has not, the member entering, or any other member may speak, and even propose amendments, by which the debate may be opened again, and the question be greatly deferred. And as some who have answered ay may have been changed by the new arguments, the affirmative must be put over again. If, then, the member entering may, by speaking a few words, occasion a repetition of a question, it would be useless to deny it on his simple call for it.

While the House is telling, no member may speak or move out of his place; for if any mistake be suspected, it must be told again. *Mem. in Harkew.*, 26; 2 *Hats.*, 143.

If any difficulty arises in point of order during the division, the Speaker is to decide peremptorily, subject to the future censure of the House if irregular. He sometimes permits old experienced members to assist him with their advice, which they do sitting in their seats, covered, to avoid the appearance of debate; but this can only be with the Speaker's leave, else the division might last several hours. 2 *Hats.*, 143.

The voice of the majority decides; for the *lex majoris partis* is the law of all councils, elections, &c., where not otherwise expressly provided. *Harkew.*, 93. But if the House be equally divided, *semper presumatur pro negante*; that is, the former law is not to be changed but by a majority. *Towns.*, col. 134.

But in the Senate of the United States, the Vice-President decides when the House is divided. *Const. U. S.*, I, 3.

When from counting the House on a division it appears that there is not a quorum, the matter continues exactly in the state in which it

was before the division, and must be resumed at that point on any future day. 2 *Hats.*, 126.

1606, May 1, on a question whether a member having said yea may afterwards sit and change his opinion, a precedent was remembered by the Speaker, of Mr. Morris, attorney of the wards, in 39 *Eliz.*, who in like case changed his opinion. *Mem. in Hakew.*, 27.

SEC. XLII.—TITLES.

After the bill has passed, and not before, the title may be amended, and is to be fixed by a question; and the bill is then sent to the other House.

SEC. XLIII.—RECONSIDERATION.

1798, Jan. A bill on its second reading being amended, and on the question whether it shall be read a third time negatived, was restored by a decision to reconsider that question. Here the votes of negative and reconsideration, like positive and negative quantities in equation, destroy one another, and are as if they were expunged from the journals. Consequently the bill is open for amendment, just so far as it was the moment preceding the question for the third reading; that is to say, all parts of the bill are open for amendment except those on which votes have been already taken in its present stage. So, also, it may be recommitted.

[In the Senate.]

Rule XIII.

1. When a question has been decided by the Senate, any Senator voting with the prevailing side may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration; and if the Senate shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote, without debate, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion.

2. When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate, and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the

*House to return the same; which last motion shall be acted upon immediately, and without debate, and if determined in the negative, shall be a final disposition of the motion to reconsider.*

\* The rule permitting a reconsideration of a question affixing to it no limitation of time or circumstance, it may be asked whether there is no limitation? If, after the vote, the paper on which it is passed has been parted with, there can be no reconsideration; as if a vote has been for the passage of a bill, and the bill has been sent to the other House. But where the paper remains, as on a bill rejected; when, or under what circumstances, does it cease to be susceptible of reconsideration? This remains to be settled; unless a sense that the right of reconsideration is a right to waste the time of the House in repeated agitations of the same question, so that it shall never know when a question is done with, should induce them to reform this anomalous proceeding.

In Parliament a question once carried cannot be questioned again at the same session, but must stand as the judgment of the House. *Towns.*, col. 67; *Mem. in Hakew.*, 33. And a bill once rejected, another of the same substance cannot be brought in again the same session. *Hakew.*, 158; 6 *Grey*, 392. But this does not extend to prevent putting the same question in different stages of a bill; because every stage of a bill submits the whole and every part of it to the opinion of the House, as open for amendment, either by insertion or omission, though the same amendment has been accepted or rejected in a former stage. So in reports of committees, *e. g.*, report of an address, the same question is before the House, and open for free discussion. *Towns.*, col. 26; 2 *Hats.*, 98, 100, 101. So orders of the House, or instructions to committees, may be discharged. So a bill, begun in one House, and sent to the other, and there rejected, may be renewed again in that other, passed and sent back. *Ib.*, 92; 3 *Hats.*, 161. Or if, instead of being rejected, they read it once and lay it aside or amend it, and put it off a month, they may order in another to the same effect, with the same or a different title. *Hakew.*, 97, 98.

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\* The rule now fixes a limitation.

Divers expedients are used to correct the effects of this rule; as, by passing an explanatory act, if anything has been omitted or ill expressed, 3 *Hats.*, 278, or an act to enforce, and make more effectual an act, &c., or to rectify mistakes in an act, &c., or a committee on one bill may be instructed to receive a clause to rectify the mistakes of another. Thus, June 24, 1685, a clause was inserted in a bill for rectifying a mistake committed by a clerk in engrossing a bill of supply. 2 *Hats.*, 194, 6. Or the session may be closed for one, two, three, or more days, and a new one commenced. But then all matters depending must be finished, or they fall, and are to begin de novo. 2 *Hats.*, 94, 98. Or a part of the subject may be taken up by another bill, or taken up in a different way. 6 *Grey*, 304, 316.

And in cases of the last magnitude, this rule has not been so strictly and verbally observed as to stop indispensable proceedings altogether. 2 *Hats.*, 92, 98. Thus when the address on the preliminaries of peace in 1782 had been lost by a majority of one, on account of the importance of the question, and smallness of the majority, the same question in substance, though with some words not in the first, and which might change the opinion of some members, was brought on again and carried, as the motives for it were thought to outweigh the objection of form. 2 *Hats.*, 99, 100.

A second bill may be passed to continue an act of the same session, or to enlarge the time limited for its execution. 2 *Hats.*, 95, 98. This is not in contradiction to the first act.

#### SEC. XLIV.—BILLS SENT TO THE OTHER HOUSE.

A bill from the other House is sometimes ordered to lie on the table. 2 *Hats.*, 97.

When bills, passed in one House and sent to the other, are grounded on special facts requiring proof, it is usual, either by message or at a conference, to ask the grounds and evidence; and this evidence, whether arising out of papers, or from the examination of witnesses, is immediately communicated. 3 *Hats.*, 48.

[In the Senate.]

*Rule XXV.*

*A Committee on Engrossed Bills, to consist of three Senators, which shall examine all bills, amendments, and joint resolutions before they go out of possession of the Senate.*

## SEC. XLV.—AMENDMENTS BETWEEN THE HOUSES.

When either House, *e. g.*, the House of Commons, send a bill to the other, the other may pass it with amendments. The regular progression in this case is, that the Commons disagree to the amendment; the Lords insist on it; the Commons insist on their disagreement; the Lords adhere to their amendment; the Commons adhere to their disagreement. The term of insisting may be repeated as often as they choose to keep the question open. But the first adherence by either renders it necessary for the other to recede or adhere also; when the matter is usually suffered to fall. 10 *Grey*, 148. Latterly, however, there are instances of their having gone to a second adherence. There must be an absolute conclusion of the subject somewhere, or otherwise transactions between the Houses would become endless. 3 *Hats.*, 268, 270. The term of insisting, we are told by Sir John Trevor, was then (1679) newly introduced into parliamentary usage, by the Lords. 7 *Grey*, 94. It was certainly a happy innovation, as it multiplies the opportunities of trying modifications which may bring the Houses to a concurrence. Either House, however, is free to pass over the term of insisting, and to adhere in the first instance; 10 *Grey*, 146; but it is not respectful to the other. In the ordinary parliamentary course, there are two free conferences, at least, before an adherence. 10 *Grey*, 147.

Either House may recede from its amendment and agree to the bill; or recede from their disagreement to the amendment, and agree to the same absolutely, or with an amendment; for here the disagreement and receding destroy one another, and the subject stands as before the disagreement. *Elysngs*, 23, 27; 9 *Grey*, 476.

But the House cannot recede from or insist on its own amendment, with an amendment; for the same reason that it cannot send to the other House an amendment to its own act after it has passed the act. They may modify an amendment from the other House by ingrafting an amendment on it, because they have never assented to it; but they cannot amend their own amendment, because they have, on the question, passed it in that form. 9 *Grey*, 363; 10 *Grey*, 240. In Senate, March 29, 1798. Nor where one House has adhered to their amendment, and the other agrees with an amendment, can the

first House depart from the form which they have fixed by an adherence.

In the case of a money bill, the Lords' proposed amendments, become, by delay, confessedly necessary. The Commons, however, refused them, as infringing on their privilege as to money bills; but they offered themselves to add to the bill a proviso to the same effect, which had no coherence with the Lords' amendments; and urged that it was an expedient warranted by precedent, and not unparliamentary in a case become impracticable, and irremediable in any other way. 3 *Hats.*, 256, 266, 270, 271. But the Lords refused, and the bill was lost. 1 *Chand.*, 288. A like case, 1 *Chand.*, 311. So the Commons resolved that it is unparliamentary to strike out, at a conference, anything in a bill which hath been agreed and passed by both Houses. 6 *Grey*, 274; 1 *Chand.*, 312.

A motion to amend an amendment from the other House takes precedence of a motion to agree or disagree.

A bill originating in one House is passed by the other with an amendment.

The originating House agrees to their amendment with an amendment. The other may agree to their amendment with an amendment, that being only in the 2d and not the 3d degree; for, as to the amending House, the first amendment with which they passed the bill is a part of its text; it is the only text they have agreed to. The amendment to that text by the originating House, therefore, is only in the 1st degree, and the amendment to that again by the amending House is only in the 2d, to wit, an amendment to an amendment, and so admissible. Just so, when, on a bill from the originating House, the other, at its second reading, makes an amendment; on the third reading this amendment is become the text of the bill, and if an amendment to it be moved, an amendment to that amendment may also be moved, as being only in the 2d degree.

#### SEC. XLVI.—CONFERENCES.

It is on the occasion of amendments between the Houses that conferences are usually asked; but they may be asked in all cases of difference of opinion between the two Houses on matters depending



between them. The request of a conference, however, must always be by the House which is possessed of the papers. 3 *Hats.*, 31; 1 *Grey*, 425.

Conferences may be either simple or free. At a conference simply, written reasons are prepared by the House asking it, and they are read and delivered, without debate, to the managers of the other House at the conference, but are not then to be answered. 4 *Grey*, 144. The other House then, if satisfied, vote the reasons satisfactory, or say nothing; if not satisfied, they resolve them not satisfactory and ask a conference on the subject of the last conference, where they read and deliver, in like manner, written answers to those reasons. 3 *Grey*, 183. They are meant chiefly to record the justification of each House to the nation at large, and to posterity, and in proof that the miscarriage of a necessary measure is not imputable to them. 3 *Grey*, 255. At free conferences, the managers discuss, viva voce and freely, and interchange propositions for such modifications as may be made in a parliamentary way, and may bring the sense of the two Houses together. And each party reports in writing to their respective Houses the substance of what is said on both sides, and it is entered in their journals. 9 *Grey*, 220; 3 *Hats.*, 280. This report cannot be amended or altered, as that of a committee may be. *Journal Senate, May 24, 1796.*

A conference may be asked, before the House asking it has come to a resolution of disagreement, insisting or adhering.\* 3 *Hats.*, 269, 341. In which case the papers are not left with the other conferees, but are brought back to be the foundation of the vote to be given. And this is the most reasonable and respectful proceeding; for, as was urged by the Lords on a particular occasion, "it is held vain, and below the wisdom of Parliament, to reason or argue against fixed

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\*Several instances have arisen in the Senate where a conference has been asked immediately upon the passage of a House bill with amendments, and before the House had come to a disagreeing vote upon the Senate amendments.

See Senate Journal, second session Forty-second Congress, pages 851 and 1003; Senate Journal, third session Forty-fifth Congress, page 433; Senate Journal, first session Forty-eighth Congress, pages 628 and 643. See also Congressional Record, Vol. 15, Part 4, pages 3975 and 4100 (first session Forty-eighth Congress), where the principle involved was discussed.

resolutions, and upon terms of impossibility to persuade." 3 *Hats.*, 226. So the Commons say, "an adherence is never delivered at a free conference, which implies debate." 10 *Grey*, 137. And on another occasion the Lords made it an objection that the Commons had asked a free conference after they had made resolutions of adhering. It was then affirmed, however, on the part of the Commons, that nothing was more parliamentary than to proceed with free conferences after adhering, 3 *Hats.*, 269, and we do in fact see instances of conference, or of free conference, asked after the resolution of disagreeing, 3 *Hats.*, 251, 253, 260, 286, 291, 316, 349; of insisting, *ib.*, 280, 296, 299, 319, 322, 355; of adhering, 269, 270, 283, 300; and even of a second or final adherence. 3 *Hats.*, 270. And in all cases of conference asked after a vote of disagreement, &c., the conferees of the House asking it are to leave the papers with the conferees of the other; and in one case where they refused to receive them, they were left on the table in the conference chamber. *Ib.*, 271, 317, 323, 354; 10 *Grey*, 146.

After a free conference, the usage is to proceed with free conferences, and not to return again to a conference. 3 *Hats.*, 270; 9 *Grey*, 229.

After a conference denied, a free conference may be asked. 1 *Grey*, 45.

When a conference is asked, the subject of it must be expressed, or the conference not agreed to. *Ord. H. Com.*, 89; 1 *Grey*, 425; 7 *Grey*, 31. They are sometimes asked to inquire concerning an offense or default of a member of the other House. 6 *Grey*, 181; 1 *Chand.*, 304. Or the failure of the other House to present to the King a bill passed by both Houses. 8 *Grey*, 302. Or on information received, and relating to the safety of the nation. 10 *Grey*, 171. Or when the methods of Parliament are thought by the one House to have been departed from by the other, a conference is asked to come to a right understanding thereon. 10 *Grey*, 148. So when an unparliamentary message has been sent, instead of answering it, they ask a conference. 3 *Grey*, 155. Formerly an address or articles of impeachment, or a bill with amendments, or a vote of the House, or concurrence in a vote, or a message from the King, were sometimes

communicated by way of conference. 6 *Grey*, 128, 300, 387; 7 *Grey*, 80; 8 *Grey*, 210, 255; 1 *Torbuck's Deb.*, 278; 10 *Grey*, 293; 1 *Chandler*, 49, 287. But this is not the modern practice. 8 *Grey*, 255.

A conference has been asked after the first reading of a bill. 1 *Grey*, 194. This is a singular instance.

#### SEC. XLVII.—MESSAGES.

Messages between the Houses are to be sent only while both Houses are sitting. 3 *Hats.*, 15. They are received during a debate without adjourning the debate. 3 *Hats.*, 22.

In Senate the messengers are introduced in any state of business, except, 1. While a question is being put. 2. While the yeas and nays are being called. 3. While the ballots are being counted. The first case is short; the second and third are cases where any interruption might occasion errors difficult to be corrected. So arranged June 15, 1798.

[*In the Senate.*]

#### *Rule XXVIII.*

1. *Messages from the President of the United States or from the House of Representatives may be received at any stage of proceedings, except while the Senate is dividing, or while the journal is being read, or while a question of order or a motion to adjourn is pending*

2. *Messages shall be sent to the House of Representatives by the Secretary, who shall previously certify the determination of the Senate upon all bills, joint resolutions, and other resolutions which may be communicated to the House, or in which its concurrence may be requested; and the Secretary shall also certify and deliver to the President of the United States all resolutions and other communications which may be directed to him by the Senate.*

In the House of Representatives, as in Parliament, if the House be in committee when a messenger attends, the Speaker takes the chair to receive the message, and then quits it to return into committee, without any question or interruption. 4 *Grey*, 226.

Messengers are not saluted by the members, but by the Speaker for the House. 2 *Grey*, 253, 274.

If messengers commit an error in delivering their message, they may be admitted or called in to correct their message. 4 *Grey*, 41.

Accordingly, March 13, 1800, the Senate having made two amendments to a bill from the House of Representatives, their Secretary, by mistake, delivered one only; which being inadmissible by itself, that House disagreed, and notified the Senate of their disagreement. This produced a discovery of the mistake. The Secretary was sent to the other House to correct his mistake, the correction was received, and the two amendments acted on de novo.

As soon as the messenger, who has brought bills from the other House, has retired, the Speaker holds the bills in his hand, and acquaints the House "that the other House have by their messenger sent certain bills," and then reads their titles, and delivers them to the Clerk to be safely kept till they shall be called for to be read. *Hakew.*, 178.

It is not the usage for one House to inform the other by what numbers a bill is passed. 10 *Grey*, 150. Yet they have sometimes recommended a bill, as of great importance, to the consideration of the House to which it is sent. 3 *Hats.*, 25. Nor when they have rejected a bill from the other House, do they give notice of it; but it passes sub silentio, to prevent unbecoming altercations. 1 *Blackst.*, 183.

But in Congress the rejection is notified by message to the House in which the bill originated.

A question is never asked by the one House of the other by way of message, but only at a conference; for this is an interrogatory, not a message. 3 *Grey*, 151, 181.

When a bill is sent by one House to the other, and is neglected, they may send a message to remind them of it. 3 *Hats.*, 25; 5 *Grey*, 154. But if it be mere inattention, it is better to have it done informally by communications between the Speakers or members of the two Houses.

Where the subject of a message is of a nature that it can properly be communicated to both Houses of Parliament, it is expected that this communication should be made to both on the same day. But where a message was accompanied with an original declaration, signed by the party to which the message referred, its being sent to one House was not noticed by the other, because the declaration being original, could not possibly be sent to both Houses at the same time. 2 *Hats.*, 260, 261, 262.

The King having sent original letters to the Commons, afterward desires they may be returned, that he may communicate them to the Lords. 1 *Chandler*, 303.

SEC. XLVIII.—ASSENT.

The House which has received a bill and passed it may present it for the King's assent, and ought to do it, though they have not by message notified to the other their passage of it. Yet the notifying by message is a form which ought to be observed between the two Houses from motives of respect and good understanding. 2 *Hats.*, 242. Were the bill to be withheld from being presented to the King, it would be an infringement of the rules of Parliament. *Ib.*

When a bill has passed both Houses of Congress, the House last acting on it notifies its passage to the other, and delivers the bill to the Joint Committee of Enrolment, who see that it is truly enrolled in parchment. When the bill is enrolled, it is not to be written in paragraphs, but solidly, and all of a piece, that the blanks between the paragraphs may not give room for forgery. 9 *Grey*, 143. It is then put into the hands of the Clerk of the House of Representatives to have it signed by the Speaker. The Clerk then brings it by way of message to the Senate to be signed by their President. The Secretary of the Senate returns it to the Committee of Enrolment, who present it to the President of the United States. If he approve, he signs, and deposits it among the rolls in the office of the Secretary of State, and notifies by message the House in which it originated that he has approved and signed it; of which that House informs the other by message. If the President disapproves, he is to return it, with his objections, to that House in which it shall have originated; who are to enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the President's objections, to the other House, by which it shall likewise be reconsidered; and if approved by two-thirds of that House, it shall become a law. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he

had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law. *Const.*, I, 7.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States, and before the same shall take effect, shall be approved by him; or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill. *Const.*, I, 7.

SEC. XLIX.—JOURNALS.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy. *Const.*, I, 5.

[In the Senate.]

*Rule IV.*

1. *The proceedings of the Senate shall be briefly and accurately stated on the journal. Messages of the President in full; titles of bills and joint resolutions, and such parts as shall be affected by proposed amendments; every vote, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall be entered.*

2. *The legislative, the executive, the confidential legislative proceedings, and the proceedings when sitting as a Court of Impeachment, shall each be recorded in a separate book.*

If a question is interrupted by a vote to adjourn, or to proceed to the orders of the day, the original question is never printed in the journal, it never having been a vote, nor introductory to any vote; but when suppressed by the previous question, the first question must be stated, in order to introduce and make intelligible the second. 2 *Hats.*, 83.

So also when a question is postponed, adjourned, or laid on the table, the original question, though not yet a vote, must be expressed in the journals; because it makes part of the vote of postponement, adjourning, or laying it on the table.

Where amendments are made to a question, those amendments are not printed in the journals, separated from the question; but only the question as finally agreed to by the House. The rule of entering in

the journals only what the House has agreed to, is founded in great prudence and good sense ; as there may be many questions proposed, which it may be improper to publish to the world in the form in which they are made. 2 *Hats.*, 85.

In both Houses of Congress, all questions whereon the yeas and nays are desired by one-fifth of the members present, whether decided affirmatively or negatively, must be entered in the journals. *Const.*, I, 5.

The first order for printing the votes of the House of Commons was October 30, 1685. 1 *Chandler*, 387.

Some judges have been of opinion that the journals of the House of Commons are no records, but only remembrances. But this is not law. *Hob.*, 110, 111; *Lex. Parl.*, 114, 115; *Four. H. C.*, Mar. 17, 1592; *Hale, Parl.*, 105. For the Lords in their House have power of judicature, the Commons in their House have power of judicature, and both Houses together have power of judicature; and the book of the Clerk of the House of Commons is a record, as is affirmed by act of Parl., 6 *H.* 8, c. 16; 4 *Inst.*, 23, 24; and every member of the House of Commons hath a judicial place. 4 *inst.*, 15. As records they are open to every person, and a printed vote of either House is sufficient ground for the other to notice it. Either may appoint a committee to inspect the journals of the other, and report what has been done by the other in any particular case. 2 *Hats.*, 261; 3 *Hats.*, 27-30. Every member has a right to see the journals and to take and publish votes from them. Being a record, every one may see and publish them. 6 *Grey*, 118, 119.

On information of a mis-entry or omission of an entry in the journal, a committee may be appointed to examine and rectify it, and report it to the House. 2 *Hats.*, 194, 195.

#### SEC. L.—ADJOURNMENT.

The two Houses of Parliament have the sole, separate, and independent power of adjourning each their respective Houses. The King has no authority to adjourn them; he can only signify his desire, and it is in the wisdom and prudence of either House to comply with his requisition, or not, as they see fitting. 2 *Hats.*, 232; 1 *Blackst.*, 186; 5 *Grey*, 122.

By the Constitution of the United States, a smaller number than a majority may adjourn from day to day. I, 5. But "neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting." I, 5. And in case of disagreement between them, with respect to the time of adjournment, the President may adjourn them to such time as he shall think proper. *Const.*, II, 3.

A motion to adjourn, simply, cannot be amended, as by adding "to a particular day;" but must be put simply "that this House do now adjourn;" and if carried in the affirmative, it is adjourned to the next sitting day, unless it has come to a previous resolution, "that at its rising it will adjourn to a particular day," and then the House is adjourned to that day. 2 *Hats.*, 82.

Where it is convenient that the business of the House be suspended for a short time, as for a conference presently to be held, &c., it adjourns during pleasure; 2 *Hats.*, 305; or for a quarter of an hour. 4 *Grey*, 331.

If a question be put for adjournment, it is no adjournment till the Speaker pronounces it. 5 *Grey*, 137. And from courtesy and respect, no member leaves his place till the Speaker has passed on.

#### SEC. LI.—A SESSION.

Parliament have three modes of separation, to wit: by adjournment, by prorogation or dissolution by the King, or by the efflux of the term for which they were elected. Prorogation or dissolution constitutes there what is called a session; provided some act was passed. In this case all matters depending before them are discontinued, and at their next meeting are to be taken up de novo, if taken up at all. 1 *Blackst.*, 186. Adjournment, which is by themselves, is no more than a continuance of the session from one day to another, or for a fortnight, a month, &c., ad libitum. All matters depending remain in statu quo, and when they meet again, be the term ever so distant, are resumed, without any fresh commencement, at the point at which they were left. 1 *Lev.*, 165; *Lex. Parl.*, c. 2; 1 *Ro. Rep.*, 29; 4 *Inst.*, 7, 27, 28; *Hutt.*, 61; 1 *Mod.*, 252;



*Ruffh. Fac., L. Dict Parliament; 1 Blackst., 186.* Their whole session is considered in law but as one day, and has relation to the first day thereof. *Bro. Abr. Parliament, 86.*

[*in the Senate.*]

*Rule XXXII.*

*At the second or any subsequent session of a Congress, the legislative business of the Senate which remained undetermined at the close of the next preceding session of that Congress shall be resumed and proceeded with in the same manner as if no adjournment of the Senate had taken place; and all papers referred to committees and not reported upon at the close of a session of Congress shall be returned to the office of the Secretary of the Senate, and be retained by him until the next succeeding session of that Congress, when they shall be returned to the several committees to which they had previously been referred.*

Committees may be appointed to sit during a recess by adjournment, but not by prorogation. 5 *Gre.*, 374; 9 *Grey*, 350; 1 *Chandler*, 50. Neither House can continue any portion of itself in any parliamentary function beyond the end of the session, without the consent of the other two branches. When done, it is by a bill constituting them commissioners for the particular purpose.

Congress separate in two ways only, to wit, by adjournment, or dissolution by the efflux of their time. What, then, constitutes a session with them? A dissolution certainly closes one session, and the meeting of the new Congress begins another. The Constitution authorizes the President "on extraordinary occasions, to convene both Houses, or either of them." I, 3. If convened by the President's proclamation, this must begin a new session, and of course determine the preceding one to have been a session. So if it meets under the clause of the Constitution, which says, "the Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day." I, 4. This must begin a new session; for even if the last adjournment was to this day, the act of adjournment is merged in the higher authority of the Constitution, and the meeting will be under that, and not under their adjournment. So far we have fixed landmarks for determining sessions. In other cases it is declared by the joint vote authorizing the President of the Senate and the Speaker to close the session on a fixed day, which is usually in the following form: "Re-

solved by the Senate and House of Representatives, that the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the — day of —."

When it was said above that all matters depending before Parliament were discontinued by the determination of the session, it was not meant for judiciary cases depending before the House of Lords, such as impeachments, appeals, and writs of error. These stand continued, of course, to the next session. *Raym.*, 120, 381; *Ruffh. Rec.*, *L. D.*, *Parliament*.

Impeachments stand, in like manner, continued before the Senate of the United States.

#### SEC. LII.—TREATIES.

The President of the United States has power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur. *Const.*, II, 2.

[In the Senate.]

*Rule XXXVI—Clause 3.*

3. All confidential communications made by the President of the United States to the Senate shall be by the Senators and the officers of the Senate kept secret; and all treaties which may be laid before the Senate, and all remarks, votes, and proceedings thereon shall also be kept secret until the Senate shall, by their resolution, take off the injunction of secrecy.

*Rule XXXVII—Clause 3.*

3. All treaties concluded with Indian tribes shall be considered and acted upon by the Senate in its open or legislative session, unless the same shall be transmitted by the President to the Senate in confidence; in which case they shall be acted upon with closed doors.

Treaties are legislative acts. A treaty is the law of the land. It differs from other laws only as it must have the consent of a foreign nation, being but a contract with respect to that nation. In all countries, I believe, except England, treaties are made by the legislative power; and there, also, if they touch the laws of the land, they must be approved by Parliament. *Ware v. Hylton*, 3 *Dallas's Rep.*, 223. It is acknowledged, for instance, that the King of Great Britain cannot by a treaty make a citizen of an alien. *Vattel*, b. 1, c. 19, sec. 214.

An act of Parliament was necessary to validate the American treaty of 1783. And abundant examples of such acts can be cited. In the case of the treaty of Utrecht, in 1712, the commercial articles required the concurrence of Parliament; but a bill brought in for that purpose was rejected. France, the other contracting party, suffered these articles, in practice, to be not insisted on, and adhered to the rest of the treaty. 4 *Russell's Hist. Mod. Europe*, 457; 2 *Smollet*, 242, 246.

By the Constitution of the United States this department of legislation is confined to two branches only of the ordinary legislature—the President originating and the Senate having a negative. To what subjects this power extends has not been defined in detail by the Constitution; nor are we entirely agreed among ourselves. 1. It is admitted that it must concern the foreign nation party to the contract, or it would be a mere nullity, *res inter alias acta*. 2. By the general power to make treaties, the Constitution must have intended to comprehend only those subjects which are usually regulated by treaty, and cannot be otherwise regulated. 3. It must have meant to except out of these the rights reserved to the States; for surely the President and Senate cannot do by treaty what the whole Government is interdicted from doing in any way. 4. And also to except those subjects of legislation in which it gave a participation to the House of Representatives. This last exception is denied by some on the ground that it would leave very little matter for the treaty power to work on. The less the better, say others. The Constitution thought it wise to restrain the Executive and Senate from entangling and embroiling our affairs with those of Europe. Besides, as the negotiations are carried on by the Executive alone, the subjecting to the ratification of the Representatives such articles as are within their participation is no more inconvenient than to the Senate. But the ground of this exception is denied as unfounded. For examine, *e. g.*, the treaty of commerce with France, and it will be found that, out of thirty-one articles, there are not more than small portions of two or three of them which would not still remain as subjects of treaties, untouched by these exceptions.

Treaties being declared, equally with the laws of the United States, to be the supreme law of the land, it is understood that an act of the legislature alone can declare them infringed and rescinded. This was accordingly the process adopted in the case of France in 1798.

It has been the usage for the Executive, when it communicates a treaty to the Senate for their ratification, to communicate also the correspondence of the negotiators. This having been omitted in the case of the Prussian treaty, was asked by a vote of the House of February 12, 1800, and was obtained. And in December, 1800, the convention of that year between the United States and France, with the report of the negotiations by the envoys, but not their instructions, being laid before the Senate, the instructions were asked for and communicated by the President.

The mode of voting on questions of ratification is by nominal call.

[In the Senate.]

Rule XXXVII.

1. *When a treaty shall be laid before the Senate for ratification it shall be read a first time; and no motion in respect to it shall be in order, except to refer it to a committee, or to print it, in confidence, for the use of the Senate.*

*When a treaty is reported from a committee with or without amendment it shall, unless the Senate unanimously otherwise direct, lie one day for consideration; after which it may be read a second time and considered as in Committee of the Whole, when it shall be proceeded with by articles, and the amendments reported by the committee shall be first acted upon, after which other amendments may be proposed; and when through with, the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, "Will the Senate concur in the amendments made in Committee of the Whole?" And the amendments may be taken separately, or in gross, if no Senator shall object; after which new amendments may be proposed.*

*The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments as the case may be; which shall be proposed on a subsequent day, unless, by unanimous consent, the Senate determine otherwise; at which stage no amendment shall be received, unless by unanimous consent.*

*On the final question to advise and consent to the ratification in the form agreed to, the concurrence of two-thirds of the Senators present shall be necessary to determine it in the affirmative; but all other motions and questions upon a treaty shall be decided by a majority vote, except a motion to postpone indefinitely, which shall be decided by a vote of two-thirds.*

*2. Treaties transmitted by the President to the Senate for ratification shall be resumed at the second or any subsequent session of the same Congress at the stage in which they were left at the final adjournment of the session at which they were transmitted; but all proceedings on treaties shall terminate with the Congress, and they shall be resumed at the commencement of the next Congress, as if no proceedings had previously been had thereon.*

*3. All treaties concluded with Indian tribes shall be considered and acted upon by the Senate in its open or legislative session, unless the same shall be transmitted by the President to the Senate in confidence; in which case they shall be acted upon with closed doors.*

#### SEC. LIII.--IMPEACHMENT.

The House of Representatives shall have the sole power of impeachment. *Const., I, 3.*

The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the United States is tried the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States. But the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law. *Const., I, 3.*

The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors. *Const., II, 4.*

The trial of crimes, except in cases of impeachment, shall be by jury. *Const., III, 2.*

These are the provisions of the Constitution of the United States on the subject of impeachments. The following is a sketch of some of the principles and practices of England on the same subject:

**Jurisdiction.** The Lords cannot impeach any to themselves, nor join in the accusation, because they are the judges. *Seld. Judic. in Parl.*, 12, 63. Nor can they proceed against a commoner but on complaint of the Commons. *Ib.*, 84. The Lords may not, by the law, try a commoner for a capital offense, on the information of the King or a private person, because the accused is entitled to a trial by his peers generally; but on accusation by the House of Commons, they may proceed against the delinquent, of whatsoever degree, and whatsoever be the nature of the offense; for there they do not assume to themselves trial at common law. The Commons are then instead of a jury, and the judgment is given on their demand, which is instead of a verdict. So the Lords do only judge, but not try the delinquent. *Ib.*, 6, 7. But Wooddeson denies that a commoner can now be charged capitally before the Lords, even by the Commons; and cites Fitzharris's case, 1681, impeached of high treason, where the Lords remitted the prosecution to the inferior court. 8 *Grey's Deb.*, 325-7; 2 *Wooddeson*, 576, 601; 3 *Seld.*, 1604, 1610, 1618, 1619, 1641; 4 *Blackst.*, 25; 9 *Seld.*, 1656; 73 *Seld.*, 1604-18.

**Accusation.** The Commons, as the grand inquest of the nation, becomes suitors for penal justice. 2 *Wood.*, 597; 6 *Grey*, 356. The general course is to pass a resolution containing a criminal charge against the supposed delinquent, and then to direct some member to impeach him by oral accusation, at the bar of the House of Lords, in the name of the Commons. The person signifies that the articles will be exhibited, and desires that the delinquent may be sequestered from his seat, or be committed, or that the peers will take order for his appearance. *Sachev. Trial*, 325; 2 *Wood.*, 602, 605; *Lords' Journ.*, 3 *June*, 1701; 1 *Wms.*, 616; 6 *Grey*, 324.

**Process.** If the party do not appear, proclamations are to be issued, giving him a day to appear. On their return they are strictly examined. If any error be found in them, a new proclamation issues, giving a short day. If he appear not, his goods may be arrested, and they may proceed. *Seld. Jud.*, 98, 99.

**Articles.** The accusation (articles) of the Commons is substituted in place of an indictment. Thus, by the usage of Parliament, in impeachment for writing or speaking, the particular words need not be specified. *Sach. Tr.*, 325; 2 *Wood.*, 602, 605; *Lords' Journ.*, 3 June, 1701; 1 *Wms.*, 616.

**Appearance.** If he appear, and the case be capital, he answers in custody; though not if the accusation be general. He is not to be committed but on special accusations. If it be for a misdemeanor only, he answers, a lord in his place, a commoner at the bar, and not in custody, unless, on the answer, the Lords find cause to commit him, till he finds sureties to attend, and lest he should fly. *Seld. Jud.*, 98, 99. A copy of the articles is given him, and a day fixed for his answer. *T. Ray.*; 1 *Rushw.*, 268; *Fost.*, 232; 1 *Clar. Hist. of the Reb.*, 379. On a misdemeanor, his appearance may be in person, or he may answer in writing, or by attorney. *Seld. Jud.*, 100. The general rule on accusation for a misdemeanor is, that in such a state of liberty or restraint as the party is when the Commons complain of him, in such he is to answer. *Ib.*, 101. If previously committed by the Commons, he answers as a prisoner. But this may be called in some sort *judicium parium suorum*. *Ib.* In misdemeanors the party has a right to counsel by the common law, but not in capital cases. *Seld. Jud.*, 102, 105.

**Answer.** The answer need not observe great strictness of form. He may plead guilty as to part, and defend as to the residue; or, saving all exceptions, deny the whole or give a particular answer to each article separately. 1 *Rush.*, 274; 2 *Rush.*, 1374; 12 *Parl. Hist.* 442; 3 *Lords' Journ.*, 13 Nov., 1643; 2 *Wood.*, 607. But he cannot plead a pardon in bar to the impeachment. 2 *Wood.*, 615; 2 *St. Tr.*, 735.

**Replication, rejoinder, &c.** There may be a replication, rejoinder, &c. *Sel. Jud.*, 114; 8 *Grey's Deb.*, 233; *Sach. Tr.*, 15; *Journ. H. of Commons*, 6 March, 1640-1.

**Witnesses.** The practice is to swear the witnesses in open House, and then examine them there; or a committee may be named, who shall examine them in committee, either on interrogatories agreed on in the House, or such as the committee in their discretion shall demand. *Seld. Jud.*, 120, 123.

Jury. In the case of Alice Pierce, 1 R., 2, a jury was impaneled for her trial before a committee. *Seld. Jud.*, 123. But this was on a complaint, not on impeachment by the Commons. *Seld. Jud.*, 163. It must also have been for a misdemeanor only, as the Lords spiritual sat in the case, which they do on misdemeanors, but not in capital cases. *Id.*, 148. The judgment was a forfeiture of all her lands and goods. *Id.*, 188. This, Selden says, is the only jury he finds recorded in Parliament for misdemeanors; but he makes no doubt, if the delinquent doth put himself on the trial of his country, a jury ought to be impaneled, and he adds that it is not so on impeachment by the Commons; for they are in loco proprio, and there no jury ought to be impaneled. *Id.*, 124. The Ld. Berkeley, 6 E., 3, was arraigned for the murder of L. 2, on an information on the part of the King, and not on impeachment of the Commons; for then they had been patria sua. He waived his peerage, and was tried by a jury of Gloucestershire and Warwickshire. *Id.*, 126. In 1 H., 7, the Commons protest that they are not to be considered as parties to any judgment given, or hereafter to be given in Parliament. *Id.*, 133. They have been generally and more justly considered, as is before stated, as the grand jury; for the conceit of Selden is certainly not accurate, that they are the patria sua of the accused, and that the Lords do only judge, but not try. It is undeniable that they do try; for they examine witnesses as to the facts, and acquit or condemn, according to their own belief of them. And Lord Hale says, "the peers are judges of law as well as of fact;" 2 *Hale, P. C.*, 275; consequently of fact as well as of law.

Presence of Commons. The Commons are to be present at the examination of witnesses. *Seld. Jud.*, 124. Indeed they are to attend throughout, either as a committee of the whole House, or otherwise, at discretion, appoint managers to conduct the proofs. *Rushw. Tr. of Straff.*, 37; *Com. Journ.*, 4 Feb., 1709-10; 2 *Wood*, 614. And judgment is not to be given till they demand it. *Seld. Jud.*, 124. But they are not to be present on impeachment when the Lords consider of the answer or proofs and determine of their judgment. Their presence, however, is necessary at the answer and judgment in cases capital *Id.* 58, 158 as well as not capital; 162.



The Lords debate the judgment among themselves. Then the vote is first taken on the question of guilty or not guilty; and if they convict, the question, or particular sentence, is out of that which seemeth to be most generally agreed on. *Seld. Jud.*, 167; 2 *Wood.*, 612.

**Judgment.** Judgments in Parliament, for death, have been strictly guided per legem terræ, which they cannot alter; and not at all according to their discretion. They can neither omit any part of the legal judgment, nor add to it. Their sentence must be secundum non ultra legem. *Seld. Jud.*, 168, 171. This trial, though it varies in external ceremony, yet differs not in essentials from criminal prosecutions before inferior courts. The same rules of evidence, the same legal notions of crimes and punishments, prevailed; for impeachments are not framed to alter the law, but to carry it into more effectual execution against too powerful delinquents. The judgment, therefore, is to be such as is warranted by legal principles or precedents. 6 *Sta. Tr.*, 14; 2 *Wood.*, 611. The Chancellor gives judgment in misdemeanors; the Lord High Steward formerly in cases of life and death. *Seld. Jud.*, 180. But now the Steward is deemed not necessary. *Fost.*, 144; 2 *Wood.*, 613. In misdemeanors the greatest corporal punishment hath been imprisonment. *Seld. Jud.*, 184. The King's assent is necessary to capital judgments, (but 2 *Wood.*, 614, contra,) but not in misdemeanors. *Seld. Jud.*, 136.

**Continuance.** An impeachment is not discontinued by the dissolution of Parliament, but may be resumed by the new Parliament. *T. Ray*, 383; 4 *Com. Journ.*, 23 Dec., 1790; *Lords' Jour.*, May 15, 1791; 2 *Wood.*, 618.

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**RULES**  
**OF THE**  
**HOUSE OF REPRESENTATIVES**  
**FIFTY-FOURTH CONGRESS.**

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**H. Doc. 137—14**

1

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# **RULES OF THE HOUSE OF REPRESENTATIVES.**

**FIFTY-FOURTH CONGRESS.**

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## **RULE I.**

### **DUTIES OF THE SPEAKER.**

1. The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting, immediately call the members to order, and on the appearance of a quorum, cause the Journal of the proceedings of the last day's sitting to be read, having previously examined and approved the same.

2. He shall preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

3. He shall have general control, except as provided by rule or law, of the hall of the House, and of the corridors and passages and of the unappropriated rooms in that part of the Capitol assigned to the use of the House, until further order.

4. He shall sign all acts, addresses, joint resolutions, writs, warrants, and subpoenas of, or issued by order of, the House, and decide all questions of order, subject to an appeal by any member, on which appeal no member shall speak more than once, unless by permission of the House.

5. He shall rise to put a question, but may state it sitting; and shall put questions in this form, to wit: "As many as are in favor (as the question may be), say Ay;" and after the affirmative voice is expressed, "As many as are opposed, say No;" if he doubts, or a division is called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and then those in the negative; if he still doubts, or a count is required by at least one-fifth of a quorum, he shall name one from each side of the question, to tell the

members in the affirmative and negative; which being reported, he shall rise and state the decision.

6. He shall not be required to vote in ordinary legislative proceedings, except where his vote would be decisive, or where the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.

7. He shall have the right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment: *Provided, however,* That in case of his illness, he may make such appointment for a period not exceeding ten days, with the approval of the House at the time the same is made; and in his absence and omission to make such appointment, the House shall proceed to elect a Speaker *pro tempore*, to act during his absence.

## RULE II.

### ELECTION OF OFFICERS.

There shall be elected by a *viva voce* vote, at the commencement of each Congress, to continue in office until their successors are chosen and qualified, a Clerk, Sergeant-at-Arms, Door-keeper, Postmaster, and Chaplain, each of whom shall take an oath to support the Constitution of the United States, and for the true and faithful discharge of the duties of his office to the best of his knowledge and ability, and to keep the secrets of the House; and each shall appoint all of the employees of his department provided for by law.

## RULE III.

### DUTIES OF THE CLERK.

1. The Clerk shall, at the commencement of the first session of each Congress, call the members to order, proceed to call the roll of members by States in alphabetical order, and, pending the election of a Speaker or Speaker *pro tempore*, call the House to order, preserve order and decorum, and decide all questions of order subject to appeal by any member.

2. He shall make and cause to be printed and delivered to each member, or mailed to his address, at the commencement of every regular session of Congress, a list of the reports which

it is the duty of any officer or Department to make to Congress, referring to the act or resolution and page of the volume of the laws or Journal in which it may be contained, and placing under the name of each officer the list of reports required of him to be made.

3. He shall note all questions of order, with the decisions thereon, the record of which shall be printed as an appendix to the Journal of each session; and complete, as soon after the close of the session as possible, the printing and distribution to members and delegates of the Journal of the House, together with an accurate and complete index; retain in the library at his office, for the use of the members and officers of the House, and not to be withdrawn therefrom, two copies of all the books and printed documents deposited there; send, at the end of each session, a printed copy of the Journal thereof to the executive and to each branch of the legislature of every State and Territory; preserve for and deliver or mail to each member and delegate an extra copy, in good binding, of all documents printed by order of either House of the Congress to which he belonged; attest and affix the seal of the House to all writs, warrants, and subpoenas issued by order of the House, certify to the passage of all bills and joint resolutions, make or approve all contracts, bargains, or agreements relative to furnishing any matter or thing, or for the performance of any labor for the House of Representatives, in pursuance of law or order of the House, keep full and accurate accounts of the disbursements out of the contingent fund of the House, keep the stationery account of members and delegates, and pay them as provided by law. He shall pay to the officers and employees of the House of Representatives, the last day of each month, the amount of their salaries that shall be due them; and when the last day of the month falls on Sunday he shall pay them on the day next preceding.

#### **RULE IV.**

##### **DUTIES OF THE SERGEANT-AT-ARMS.**

1. It shall be the duty of the Sergeant-at-Arms to attend the House and the Committee of the Whole during their sittings, to maintain order under the direction of the Speaker or

Chairman, and, pending the election of a Speaker or Speaker *pro tempore*, under the direction of the Clerk; execute the commands of the House, and all processes issued by authority thereof, directed to him by the Speaker; keep the accounts for the pay and mileage of members and delegates, and pay them as provided by law.

2. The symbol of his office shall be the mace, which shall be borne by him while enforcing order on the floor.

## RULE V.

### DUTIES OF THE DOORKEEPER.

1. The Doorkeeper shall enforce strictly the rules relating to the privileges of the hall and be responsible to the House for the official conduct of his employees.

2. At the commencement and close of each session of Congress he shall take an inventory of all the furniture, books, and other public property in the several committee and other rooms under his charge, and report the same to the House, which report shall be referred to the Committee on Accounts to ascertain and determine the amount for which he shall be held liable for missing articles.

3. He shall allow no person to enter the room over the hall of the House during its sittings; and fifteen minutes before the hour of the meeting of the House each day he shall see that the floor is cleared of all persons except those privileged to remain, and kept so until ten minutes after adjournment.

## RULE VI.

### DUTIES OF THE POSTMASTER.

The Postmaster shall superintend the post-office kept in the Capitol for the accommodation of Representatives, Delegates, and officers of the House, and be held responsible for the prompt and safe delivery of their mail.

## RULE VII.

The Chaplain shall attend at the commencement of each day's sitting of the House and open the same with prayer.

**RULE VIII.**

**OF THE MEMBERS.**

1. Every member shall be present within the hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless he has a direct personal or pecuniary interest in the event of such question.

2. Pairs shall be announced by the Clerk, after the completion of the second roll call, from a written list furnished him, and signed by the member making the statement to the Clerk, which list shall be published in the Record as a part of the proceedings, immediately following the names of those not voting: *Provided* pairs shall be announced but once during the same legislative day.

**RULE IX.**

**QUESTIONS OF PRIVILEGE.**

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only; and shall have precedence of all other questions, except motions to adjourn.

**RULE X.**

**OF COMMITTEES.**

1. Unless otherwise specially ordered by the House, the Speaker shall appoint, at the commencement of each Congress, the following standing committees, viz:

On Elections, three committees, to consist of nine members each, to be called number one (1), two (2), and three (3), respectively.

On Ways and Means, to consist of seventeen members.

On Appropriations, to consist of seventeen members.

On the Judiciary, to consist of seventeen members.

On Banking and Currency, to consist of seventeen members.

On Coinage, Weights, and Measures, to consist of seventeen members.

**On Interstate and Foreign Commerce, to consist of seventeen members.**

**On Rivers and Harbors, to consist of seventeen members.**

**On the Merchant Marine and Fisheries, to consist of thirteen members.**

**On Agriculture, to consist of seventeen members.**

**On Foreign Affairs, to consist of fifteen members.**

**On Military Affairs, to consist of fifteen members.**

**On Naval Affairs, to consist of fifteen members.**

**On the Post-Office and Post-Roads, to consist of seventeen members.**

**On the Public Lands, to consist of fifteen members.**

**On Indian Affairs, to consist of seventeen members.**

**On the Territories, to consist of thirteen members.**

**On Railways and Canals, to consist of thirteen members.**

**On Manufactures, to consist of eleven members.**

**On Mines and Mining, to consist of thirteen members.**

**On Public Buildings and Grounds, to consist of fifteen members.**

**On the Pacific Railroads, to consist of fifteen members.**

**On Levees and Improvements of the Mississippi River, to consist of thirteen members.**

**On Education, to consist of thirteen members.**

**On Labor, to consist of thirteen members.**

**On the Militia, to consist of thirteen members.**

**On Patents, to consist of thirteen members.**

**On Invalid Pensions, to consist of fifteen members.**

**On Pensions, to consist of thirteen members.**

**On Claims, to consist of fifteen members.**

**On War Claims, to consist of thirteen members.**

**On Private Land Claims, to consist of thirteen members.**

**On the District of Columbia, to consist of fifteen members.**

**On Revision of the Laws, to consist of thirteen members.**

**On Reform in the Civil Service, to consist of thirteen members.**

**On Election of President, Vice-President, and Representatives in Congress, to consist of thirteen members.**

**On Alcoholic Liquor Traffic, to consist of eleven members.**

**On Irrigation of Arid Lands, to consist of eleven members.**

**On Immigration and Naturalisation, to consist of eleven members.**

**On Ventilation and Acoustics, to consist of seven members.**

**On Expenditures in the State Department, to consist of seven members.**

**On Expenditures in the Treasury Department, to consist of seven members.**

**On Expenditures in the War Department, to consist of seven members.**

**On Expenditures in the Navy Department, to consist of seven members.**

**On Expenditures in the Post-Office Department, to consist of seven members.**

**On Expenditures in the Interior Department, to consist of seven members.**

**On Expenditures in the Department of Justice, to consist of seven members.**

**On Expenditures in the Department of Agriculture, to consist of seven members.**

**On Expenditures on Public Buildings, to consist of seven members.**

**On Rules, to consist of five members.**

**On Accounts, to consist of nine members.**

**On Mileage, to consist of five members.**

**Also the following joint standing committees, viz:**

**On the Library, to consist of three members.**

**On Printing, to consist of three members.**

**On Enrolled Bills, to consist of seven members.**

**2. He shall also appoint all select and conference committees which shall be ordered by the House from time to time.**

**3. The first-named member of each committee shall be the chairman; and in his absence, or being excused by the House, the next-named member, and so on, as often as the case shall happen, unless the committee by a majority of its number elect a chairman; and in case of the death of a chairman, it shall be the duty of the Speaker to appoint another.**

**4. The chairman shall appoint the clerk or clerks of his committee, subject to its approval, who shall be paid at the public expense, the House having first provided therefor.**



RULE XI.

POWERS AND DUTIES OF COMMITTEES.

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz: Subjects relating,

1. to the election of members: to the respective Committees on Elections;

2. to the revenue and the bonded debt of the United States: to the Committee on Ways and Means;

3. to appropriation of the revenue for the support of the Government, as herein provided viz: for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for the District of Columbia; for pensions; and for all deficiencies: to the Committee on Appropriations;

4. to judicial proceedings, civil and criminal law: to the Committee on the Judiciary;

5. to banking and currency: to the Committee on Banking and Currency;

6. to coinage, weights, and measures: to the Committee on Coinage, Weights, and Measures;

7. to commerce, life-saving service, and light-houses, other than appropriations for life-saving service and light-houses: to the Committee on Interstate and Foreign Commerce;

8. to the improvements of rivers and harbors: to the Committee on Rivers and Harbors;

9. to the merchant marine and fisheries: to the Committee on the Merchant Marine and Fisheries;

10. to agriculture and forestry: to the Committee on Agriculture, who shall receive the estimates and report the appropriations for the Agricultural Department;

11. to the relations of the United States with foreign nations, including appropriations therefor: to the Committee on Foreign Affairs;

12. to the military establishment and the public defense, including the appropriations for its support and for that of the Military Academy: to the Committee on Military Affairs;

13. to the naval establishment, including the appropriations for its support: to the Committee on Naval Affairs;

14. to the post-office and post-roads, including appropriations for their support: to the Committee on the Post-Office and Post-Roads;

15. to the lands of the United States: to the Committee on the Public Lands;

16. to the relations of the United States with the Indians and the Indian tribes, including appropriations therefor: to the Committee on Indian Affairs;

17. to territorial legislation, the revision thereof, and affecting Territories or the admission of States: to the Committee on the Territories;

18. to railways and canals, other than Pacific railroads: to the Committee on Railways and Canals;

19. to the manufacturing industries: to the Committee on Manufactures;

20. to the mining interests: to the Committee on Mines and Mining;

21. to the public buildings and occupied or improved grounds of the United States, other than appropriations therefor: to the Committee on Public Buildings and Grounds;

22. to the railroads and telegraphic lines between the Mississippi River and the Pacific coast: to the Committee on Pacific Railroads;

23. to the levees of the Mississippi River: to the Committee on Levees and Improvements of the Mississippi River;

24. to education: to the Committee on Education;

25. to and affecting labor: to the Committee on Labor;

26. to the militia of the several States: to the Committee on the Militia;

27. to patents, copyrights, and trade-marks: to the Committee on Patents;

28. to the pensions of the civil war: to the Committee on Invalid Pensions;

29. to the pensions of all the wars of the United States, other than the civil war: to the Committee on Pensions;

30. to private and domestic claims and demands, other than war claims, against the United States: to the Committee on Claims;

31. to claims arising from any war in which the United States has been engaged: to the Committee on War Claims;

**RULE XI.**

**POWERS AND DUTIES OF COMMITTEES.**

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz: Subjects relating,

1. to the election of members: to the respective Committees on Elections;

2. to the revenue and the bonded debt of the United States: to the Committee on Ways and Means;

3. to appropriation of the revenue for the support of the Government, as herein provided viz: for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for the District of Columbia; for pensions; and for all deficiencies: to the Committee on Appropriations;

4. to judicial proceedings, civil and criminal law: to the Committee on the Judiciary;

5. to banking and currency: to the Committee on Banking and Currency;

6. to coinage, weights, and measures: to the Committee on Coinage, Weights, and Measures;

7. to commerce, life-saving service, and light-houses, other than appropriations for life-saving service and light-houses: to the Committee on Interstate and Foreign Commerce;

8. to the improvements of rivers and harbors: to the Committee on Rivers and Harbors;

9. to the merchant marine and fisheries: to the Committee on the Merchant Marine and Fisheries;

10. to agriculture and forestry: to the Committee on Agriculture, who shall receive the estimates and report the appropriations for the Agricultural Department;

11. to the relations of the United States with foreign nations, including appropriations therefor: to the Committee on Foreign Affairs;

12. to the military establishment and the public defense, including the appropriations for its support and for that of the Military Academy: to the Committee on Military Affairs;

13. to the naval establishment, including the appropriations for its support: to the Committee on Naval Affairs;

14. to the post-office and post-roads, including appropriations for their support: to the Committee on the Post-Office and Post-Roads;

15. to the lands of the United States: to the Committee on the Public Lands;

16. to the relations of the United States with the Indians and the Indian tribes, including appropriations therefor: to the Committee on Indian Affairs;

17. to territorial legislation, the revision thereof, and affecting Territories or the admission of States: to the Committee on the Territories;

18. to railways and canals, other than Pacific railroads: to the Committee on Railways and Canals;

19. to the manufacturing industries: to the Committee on Manufactures;

20. to the mining interests: to the Committee on Mines and Mining;

21. to the public buildings and occupied or improved grounds of the United States, other than appropriations therefor: to the Committee on Public Buildings and Grounds;

22. to the railroads and telegraphic lines between the Mississippi River and the Pacific coast: to the Committee on Pacific Railroads;

23. to the levees of the Mississippi River: to the Committee on Levees and Improvements of the Mississippi River;

24. to education: to the Committee on Education;

25. to and affecting labor: to the Committee on Labor;

26. to the militia of the several States: to the Committee on the Militia;

27. to patents, copyrights, and trade-marks: to the Committee on Patents;

28. to the pensions of the civil war: to the Committee on Invalid Pensions;

29. to the pensions of all the wars of the United States, other than the civil war: to the Committee on Pensions;

30. to private and domestic claims and demands, other than war claims, against the United States: to the Committee on Claims;

31. to claims arising from any war in which the United States has been engaged: to the Committee on War Claims;

32. to private claims to land: to the Committee on Private Land Claims;

33. to the District of Columbia, other than appropriations therefor: to the Committee for the District of Columbia;

34. to the revision and codification of the statutes of the United States: to the Committee on the Revision of the Laws;

35. to reform the civil service: to the Committee on Reform in the Civil Service;

36. to the election of the President, Vice-President, or Representatives in Congress: to the Committee on Election of President, Vice-President, and Representatives in Congress;

37. to alcoholic liquor traffic: to the Committee on Alcoholic Liquor Traffic;

38. to the irrigation of arid lands: to the Committee on Irrigation of Arid Lands;

39. to immigration or naturalization: to the Committee on Immigration and Naturalization;

40. to ventilation and acoustics: to the Committee on Ventilation and Acoustics.

41. The examination of the accounts and expenditures of the several Departments of the Government and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; the enforcement of the payment of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of the pay of officers, shall all be subjects within the jurisdiction of the nine standing committees on the public expenditures in the several Departments, as follows:

42. In the Department of State: to the Committee on Expenditures in the State Department;

43. In the Treasury Department: to the Committee on Expenditures in the Treasury Department;

44. In the War Department: to the Committee on Expenditures in the War Department;

45. In the Navy Department: to the Committee on Expenditures in the Navy Department;

**46. In the Post-Office Department: to the Committee on Expenditures in the Post-Office Department;**

**47. In the Interior Department: To the Committee on Expenditures in the Interior Department;**

**48. In the Department of Justice: to the Committee on Expenditures in the Department of Justice;**

**49. In the Department of Agriculture: to the Committee on Expenditures in the Department of Agriculture;**

**50. On Public Buildings: to the Committee on Expenditures on Public Buildings;**

**51. All proposed action touching the rules, joint rules, and order of business shall be referred to the Committee on Rules;**

**52. Touching the expenditure of the contingent fund of the House, the auditing and settling of all accounts which may be charged therein by order of the House: to the Committee on Accounts;**

**53. The ascertaining of the travel of members of the House shall be made by the Committee on Mileage and reported to the Sergeant-at-Arms.**

**54. Touching the Library of Congress, statuary, and pictures: to the Joint Committee on the Library.**

**55. All proposed legislation or orders touching printing shall be referred to the Joint Committee on Printing on the part of the House.**

**56. The enrollment of engrossed bills: to the Joint Committee on Enrolled Bills.**

**57. The following-named committees shall have leave to report at any time on the matters herein stated, viz: The Committee on Rules, on rules, joint rules, and order of business; the Committee on Elections, on the right of a member to his seat; the Committee on Ways and Means, on bills raising revenue; the committees having jurisdiction of appropriations, the general appropriations bills; the Committee on Rivers and Harbors, bills for the improvement of rivers and harbors; the Committee on the Public Lands, bills for the forfeiture of land grants to railroad and other corporations, bills preventing speculation in the public lands, and bills for the reservation of the public lands for the benefit of actual and *bona fide* settlers; the Committee on Territories, bills for the admission of new States;**

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the Committee on Enrolled Bills, enrolled bills: the Committee on Invalid Pensions, general pension bills; the Committee on Printing, on all matters referred to them of printing for the use of the House or two Houses; and the Committee on Accounts, on all matters of expenditure of the contingent fund of the House.

It shall always be in order to call up for consideration a report from the Committee on Rules, and, pending the consideration thereof, the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of.

58. No committee, except the Committee on Rules, shall sit during the sitting of the House without special leave.

## RULE XII.

### DELEGATES.

The Speaker shall appoint from among the Delegates one additional member on each of the following committees, viz: Coinage, Weights, and Measures; Agriculture; Military Affairs; Post-Office and Post-Roads; Public Lands; Indian Affairs; Private Land Claims, and Mines and Mining; and two on Territories; and they shall possess in their respective committees the same powers and privileges as in the House, and may make any motion except to reconsider

## RULE XIII.

### CALENDARS AND REPORTS OF COMMITTEES.

1. There shall be three Calendars of business reported from committees, viz:

First. A Calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue, general appropriation bills, and bills of a public character directly or indirectly appropriating money or property.

Second. A House Calendar, to which shall be referred all bills of a public character not raising revenue nor directly or indirectly appropriating money or property.

Third. A Calendar of the Committee of the Whole House, to which shall be referred all bills of a private character.

2. All reports of committees, except as provided in clause 57 of Rule XI, together with the views of the minority, shall be delivered to the Clerk for printing and reference to the proper Calendar under the direction of the Speaker, in accordance with the foregoing clause, and the titles or subjects thereof shall be entered on the Journal and printed in the Record.

*Provided*, That bills reported adversely shall be laid on the table, unless the committee reporting a bill, at the time, or any member within three days thereafter, shall request its reference to the Calendar, when it shall be referred as provided in clause 1 of this rule.

#### **RULE XIV.**

##### **OF DECORUM AND DEBATE.**

1. When any member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality.

2. When two or more members rise at once, the Speaker shall name the member who is first to speak; and no member shall occupy more than one hour in debate on any question in the House or in committee, except as further provided in this rule.

3. The member reporting the measure under consideration from a committee may open and close, where general debate has been had thereon; and if it shall extend beyond one day, he shall be entitled to one hour to close, notwithstanding he may have used an hour in opening.

4. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another member, to explain, and the House shall, if appealed to, decide on the case without debate; if the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case require it, he shall be liable to censure or such punishment as the House may deem proper.

5. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words



excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

6. No member shall speak more than once to the same question without leave of the House, unless he be the mover, proposer, or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

7. While the Speaker is putting a question or addressing the House no member shall walk out of or across the hall, nor when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause. Neither shall any person be allowed to smoke upon the floor of the House at any time.

## **RULE XV.**

### **ON CALLS OF THE ROLL AND HOUSE.**

1. Upon every roll-call the names of the members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the State shall be added; and if there be two such members from the same State, the whole name shall be called; and after the roll has been once called, the clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair unless the member's name has been noted under clause 3 of this rule.

2. In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the doors shall be closed, the names of the members shall be called by the Clerk, and the absentees noted; and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found.

by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured and retained; and the House shall determine upon what condition they shall be discharged. Members who voluntarily appear shall, unless the House otherwise direct, be immediately admitted to the hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present.

3. On the demand of any member, or at the suggestion of the Speaker, the names of members sufficient to make a quorum in the hall of the House who do not vote, shall be noted by the Clerk and recorded in the Journal, and reported to the Speaker with the names of the members voting and be counted and announced in determining the presence of a quorum to do business.

4. Whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause, unless the House shall adjourn, there shall be a call of the House, and the Sergeant-at-Arms shall forthwith proceed to bring in absent members, and the yeas and nays on the pending question shall at the same time be considered as ordered. The Clerk shall call the roll, and each member as he answers to his name may vote on the pending question, and, after the roll call is completed, each member arrested shall be brought by the Sergeant-at-Arms before the House, whereupon he shall be noted as present, discharged from arrest, and given an opportunity to vote and his vote shall be recorded. If those voting on the question and those who are present and decline to vote shall together make a majority of the House, the Speaker shall declare that a quorum is constituted, and the pending question shall be decided as the majority of those voting shall appear. And thereupon further proceedings under the call shall be considered as dispensed with. At any time after the roll call has been completed, the Speaker may entertain a motion to adjourn, if seconded by a majority of those present, to be ascertained by actual count by the Speaker; and if the House adjourns, all proceedings under this section shall be vacated. But this section of the rule shall not apply to the sessions of Friday night, until further order of the House.

RULE XVI.

ON MOTIONS, THEIR PRECEDENCE, ETC.

1. Every motion made to the House and entertained by the Speaker shall be reduced to writing on the demand of any member, and shall be entered on the Journal with the name of the member making it, unless it is withdrawn the same day.

2. When a motion has been made, the Speaker shall state it or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.

3. When any motion or proposition is made, the question, Will the House now consider it? shall not be put unless demanded by a member.

4. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer, or to amend, or postpone indefinitely; which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

5. The hour at which the House adjourns shall be entered on the Journal.

6. On the demand of any member, before the question is put, a question shall be divided if it include propositions so distinct in substance that one being taken away a substantive proposition shall remain.

7. A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert; and no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

8. Pending a motion to suspend the rules, the Speaker may entertain one motion that the House adjourn; but after the result thereon is announced he shall not entertain any other dilatory motion till the vote is taken on suspension.

9. At any time after the reading of the Journal it shall be in order, by direction of the appropriate committee, to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue, or general appropriation bills.

10. No dilatory motion shall be entertained by the Speaker.

## **RULE XVII.**

### **PREVIOUS QUESTION.**

1. There shall be a motion for the previous question, which, being ordered by a majority of members voting, if a quorum be present, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its passage or rejection. It shall be in order, pending the motion for, or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

2. A call of the House shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the Speaker that a quorum is not present.

3. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

## **RULE XVIII.**

### **RECONSIDERATION.**

1. When a motion has been made and carried or lost, it shall be in order for any member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report or a motion to adjourn,

and shall not be withdrawn after the said succeeding day without the consent of the House, and thereafter any member may call it up for consideration: *Provided*, That such motion, if made during the last six days of a session, shall be disposed of when made.

2. No bill, petition, memorial, or resolution referred to a committee, or reported therefrom for printing and recommitment, shall be brought back into the House on a motion to reconsider; and all bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing, which shall be printed.

### RULE XIX.

#### OF AMENDMENTS.

When a motion or proposition is under consideration a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon. Amendments to the title of a bill or resolution shall not be in order until after its passage, and shall be decided without debate.

### RULE XX.

#### OF AMENDMENTS OF THE SENATE.

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

### RULE XXI.

#### ON BILLS.

1. Bills and joint resolutions on their passage shall be read the first time by title and the second time in full, when, if the previous question is ordered, the Speaker shall state the question to be: Shall the bill be engrossed and read a third time? and, if decided in the affirmative, it shall be read the third

time by title, unless the reading in full is demanded by a member, and the question shall then be put upon its passage.

2. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

3. No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on Private Land Claims, and to the Committee on Accounts.

## **RULE XXII.**

### **OF PETITIONS, MEMORIALS, BILLS, AND RESOLUTIONS.**

1. Members having petitions or memorials or bills of a private nature to present may deliver them to the Clerk, indorsing their names and the reference or disposition to be made thereof; and said petitions and memorials and bills of a private nature, except such as, in the judgment of the Speaker, are of an obscene or insulting character, shall be entered on the Journal with the names of the members presenting them, and the Clerk shall furnish a transcript of such entry to the official reporters of debates for publication in the Record.

2. Any petition or memorial or private bill excluded under this rule shall be returned to the member from whom it was received; and petitions and private bills which have been inappropriately referred may, by the direction of the committee having possession of the same, be properly referred in the manner originally presented; and an erroneous reference of a petition or private bill under this clause shall not confer jurisdiction upon the committee to consider or report the same.

3. All other bills, memorials, and resolutions may, in like manner, be delivered, indorsed with the names of members introducing them, to the Speaker, to be by him referred, and the

titles and references thereof and of all bills, resolutions, and documents referred under the rules, shall be entered on the Journal and printed in the Record of the next day, and correction in case of error of reference may be made by the House without debate in accordance with Rule XI on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.

4. When a bill, resolution, or memorial is introduced "by request," these words shall be entered upon the Journal and printed in the Record.

5. All resolutions of inquiry addressed to the heads of Executive Departments shall be reported to the House within one week after presentation.

### **RULE XXIII.**

#### **OF COMMITTEES OF THE WHOLE HOUSE.**

1. In all cases, in forming a Committee of the Whole House, the Speaker shall leave his chair after appointing a chairman to preside, who shall, in case of disturbance or disorderly conduct in the galleries or lobby, have power to cause the same to be cleared.

2. Whenever a Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum, which shall consist of one hundred members, the chairman shall cause the roll to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.

3. All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a

Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

4. In Committees of the Whole House business on their calendars may be taken up in regular order, or in such order as the committee may determine, unless the bill to be considered was determined by the House at the time of going into committee, but bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.

5. When general debate is closed by order of the House, any member shall be allowed five minutes to explain any amendment he may offer, after which the member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon: but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment: and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.

6. The committee may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only (which motion shall be decided without debate): but this shall not preclude further amendment, to be decided without debate.

7. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection. Whenever a bill is reported from a Committee of the Whole with an adverse recommendation and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House: but before the question of concurrence is submitted it is in order to entertain a motion to refer the bill to any committee, with or without instructions, and when the same is again reported to the House it shall be referred to the Committee of the Whole without debate.



8. The rules of proceeding in the House shall be observed in Committees of the Whole House so far as they may be applicable.

**RULE XXIV.**

**ORDER OF BUSINESS.**

1. The daily order of business shall be as follows:

First. Prayer by the Chaplain.

Second. Reading and approval of the Journal.

Third. Correction of reference of public bills.

Fourth. Disposal of business on the Speaker's table.

Fifth. Unfinished business.

Sixth. The morning hour for the consideration of bills called up by committees.

Seventh. Motions to go into Committee of the Whole House on the state of the Union.

Eighth. Orders of the day.

2. Business on the Speaker's table shall be disposed of as follows:

Messages from the President shall be referred to the appropriate committees without debate. Reports and communications from the heads of Departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by members; but House bills with Senate amendments which do not require consideration in a Committee of the Whole, may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by committee of the House, and not required to be considered in Committee of the Whole, be disposed of in the same manner on motion directed to be made by such committee.

3. The consideration of the unfinished business in which the House may be engaged at an adjournment, except business in the morning hour, shall be resumed as soon as the business on the Speaker's table is finished, and at the same time each day thereafter until disposed of, and the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rule

4. After the unfinished business has been disposed of, the Speaker shall call each standing committee in regular order, and then select committees, and each committee when named may call up for consideration any bill reported by it on a previous day and on the House Calendar, and if the Speaker shall not complete the call of the committees before the House passes to other business, he shall resume the next call where he left off, giving preference to the last bill under consideration: *Provided*, That whenever any committee shall have occupied the morning hour on two days, it shall not be in order to call up any other bill until the other committees have been called in their turn.

5. After one hour shall have been devoted to the consideration of bills called up by committees, it shall be in order, pending consideration or discussion thereof, to entertain a motion to go into Committee of the Whole House on the state of the Union, or, when authorized by a committee, to go into the Committee of the Whole House on the state of the Union to consider a particular bill, to which motion one amendment only, designating another bill, may be made; and if either motion be determined in the negative, it shall not be in order to make either motion again until the disposal of the matter under consideration or discussion.

6. On Friday of each week, after the unfinished business has been disposed of, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and if this motion fails, then public business shall be in order as on other days.

#### RULE XXV.

##### PRIORITY OF BUSINESS.

All questions relating to the priority of business shall be decided by a majority without debate.

#### RULE XXVI.

##### PRIVATE AND DISTRICT OF COLUMBIA BUSINESS.

1. Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by the House.

2. The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

3. The second and fourth Mondays in each month, after the disposal of such business on the Speaker's table as requires reference only, shall, when claimed by the Committee on the District of Columbia, be set apart for the consideration of such business as may be presented by said committee.

### **RULE XXVII.**

#### **UNFINISHED BUSINESS OF THE SESSION.**

All business before committees of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress in the same manner as if no adjournment had taken place.

### **RULE XXVIII.**

#### **CHANGE OR SUSPENSION OF RULES.**

1. No rule shall be suspended except by a vote of two-thirds of the members voting, a quorum being present; nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month, preference being given on the first Monday to individuals and on the third Monday to committees, and during the last six days of a session.

2. All motions to suspend the rules shall, before being submitted to the House, be seconded by a majority by tellers, if demanded.

3. When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for forty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition, and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

**RULE XXIX.**

**CONFERENCE REPORTS.**

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition. And there shall accompany every such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate.

**RULE XXX.**

**SECRET SESSION.**

Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons except the members and officers thereof, and so continue during the reading of such communications, the debates and proceedings thereon, unless otherwise ordered by the House.

**RULE XXXI.**

**READING OF PAPERS.**

When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any member, it shall be determined without debate by a vote of the House.

**RULE XXXII.**

**DRAWING OF SEATS.**

1. At the commencement of each Congress, immediately after the Members and Delegates are sworn in, the Clerk shall place in a box, prepared for that purpose, a number of small balls, of marble or other material, equal to the number of Members and Delegates, which balls shall be consecutively numbered and thoroughly intermingled, and at such hour as shall be fixed by the House for that purpose, by the hands of a page,

draw said balls one by one from the box and announce the number as it is drawn, upon which announcement the Member or Delegate whose name on a numbered alphabetical list shall correspond with the number on the ball shall advance and choose his seat for the term for which he is elected.

2. Before said drawing shall commence each seat shall be vacated and so remain until selected under this rule, and any seat having been selected shall be deemed forfeited if left unoccupied before the call of the roll is finished, and whenever the seats of Members and Delegates shall have been drawn, no proposition for a second drawing shall be in order during that Congress.

### **RULE XXXIII.**

#### **HALL OF THE HOUSE.**

The hall of the House shall be used only for the legislative business of the House and for the caucus meetings of its members, except upon occasions where the House by resolution agree to take part in any ceremonies to be observed therein; and the Speaker shall not entertain a motion for the suspension of this rule.

### **RULE XXXIV.**

#### **OF ADMISSION TO THE FLOOR.**

The persons hereinafter named, and none other, shall be admitted to the hall of the House or rooms leading thereto, viz: The President and Vice-President of the United States and their private secretaries, Judges of the Supreme Court, Members of Congress and Members elect, contestants in election cases during the pendency of their cases in the House, the Secretary and Sergeant-at-Arms of the Senate, heads of Departments, Foreign Ministers, Governors of States, the Architect of the Capitol, the Librarian of Congress and his assistant in charge of the Law Library, such persons as have, by name, received the thanks of Congress, ex-members of the House of Representatives who are not interested in any claim or directly in any bill pending before Congress, and clerks of committees when business from their committee is under consideration; and it shall not be in order for the Speaker to entertain a request for the suspension of this rule or to present from the chair the request of any member for unanimous consent.

**RULE XXXV.**

**OF ADMISSION TO THE GALLERIES.**

The Speaker shall set aside a portion of the west gallery for the use of the President of the United States, the members of his Cabinet, Justices of the Supreme Court, Foreign Ministers and suits, and the members of their respective families, and shall also set aside another portion of the same gallery for the accommodation of persons to be admitted on the card of members. The southerly half of the east gallery shall be assigned exclusively for the use of the families of members of Congress, in which the Speaker shall control one bench, and on request of a member the Speaker shall issue a card of admission to his family, which shall include their visitors, and no other person shall be admitted to this section.

**RULE XXXVI.**

**OFFICIAL AND OTHER REPORTERS.**

1. The appointment and removal, for cause, of the official reporters of the House, including stenographers of committees and the manner of the execution of their duties, shall be vested in the Speaker.

2. Stenographers and reporters, other than the official reporters of the House, wishing to take down the debates and proceedings, may be admitted by the Speaker to the reporters' gallery over the Speaker's chair, under such regulations as he may, from time to time, prescribe; and he may assign one seat on the floor to Associated Press reporters, and one to The United Press reporters, and regulate the occupation of the same. And the Speaker may admit to the floor, under such regulations as he may prescribe, one additional representative of each press association.

**RULE XXXVII.**

**PAY OF WITNESSES.**

The rule for paying witnesses subpoenaed to appear before the House or either of its committees, shall be as follows: For each day a witness shall attend, the sum of two dollars; for

each mile he shall travel in coming to or going from the place of examination, the sum of five cents each way; but nothing shall be paid for travelling when the witness has been summoned at the place of trial.

### RULE XXXVIII.

#### PAPERS.

1. The clerks of the several committees of the House shall, within three days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitions, and other papers referred to the committee, together with all evidence taken by such committee under the order of the House during the said Congress and not reported to the House; and in the event of the failure or neglect of any clerk of a committee to comply with this rule the Clerk of the House shall, within three days thereafter, take into his keeping all such papers and testimony.

### RULE XXXIX.

#### WITHDRAWAL OF PAPERS.

No memorial or other paper presented to the House shall be withdrawn from its files without its leave, and if withdrawn therefrom certified copies thereof shall be left in the office of the Clerk; but when an act may pass for the settlement of a claim, the Clerk is authorized to transmit to the officer in charge with the settlement thereof the papers on file in his office relating to such claim, or may loan temporarily to any officer or bureau of the Executive Departments any papers on file in his office relating to any matter pending before such officer or bureau, taking proper receipt therefor.

### RULE XL.

#### BALLOT.

In all other cases of ballot than for committees a majority<sup>1</sup> of the votes given shall be necessary to an election, and where there shall not be such a majority on the first ballot the bal-

lots shall be repeated until a majority be obtained; and in all balloting blanks shall be rejected and not taken into the count in enumeration of votes or reported by the tellers.

**RULE XLI.**

**MESSAGES.**

Messages received from the Senate and the President of the United States, giving notice of bills passed or approved, shall be entered in the Journal and published in the Record of that day's proceedings.

**RULE XLII.**

**EXECUTIVE COMMUNICATIONS.**

Estimates of appropriations, and all other communications from the Executive Departments, intended for the consideration of any committees of the House, shall be addressed to the Speaker and by him referred as provided by clause 3 of Rule XXIV.

**RULE XLIII.**

**QUALIFICATIONS OF OFFICERS AND EMPLOYEES.**

No person shall be an officer of the House, or continue in its employment, who shall be an agent for the prosecution of any claim against the Government, or be interested in such claim otherwise than as an original claimant; and it shall be the duty of the Committee on Accounts to inquire into and report to the House any violation of this rule.

**RULE XLIV.**

**JEFFERSON'S MANUAL.**

The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House and joint rules of the Senate and House of Representatives.



RULE XLV.

PRINTING.

1. All documents referred to committees or otherwise disposed of shall be printed unless otherwise specially ordered.

2. Motions to print additional numbers of any bill, report, resolution, or other public document shall be referred to the Committee on Printing; and the report of the committee thereon shall be accompanied by an estimate of the probable cost thereof. Unless ordered by the House, no bill, resolution, or other proposition reported by a committee shall be reprinted unless the same be placed upon the Calendar. Of bills which have passed the Senate, and of House bills as amended by the Senate, when referred in the House, there shall be printed four hundred copies.

EST

THE

HOUSE OF REPRESENTATIVES  
UNITED STATES.

SEVENTY-FOURTH CONGRESS.

MEMBERS.

*t within the Hall of the House  
ed or necessarily prevented.—*

*fifteen members, including the  
authorized to compel the attend-  
all calls of the House the doors  
Members shall be called by the  
and those for whom no sufficient  
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the House otherwise direct, be  
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be entered upon the Journal as*

*on any question, and a quorum  
made for that cause, unless the  
be a call of the House, and the  
proceed to bring in absent Mem-  
e pending question shall at the*

*same time be considered as ordered. The Clerk shall call the roll, and each Member as he answers to his name may vote on the pending question, and, after the roll call is completed, each Member arrested shall be brought by the Sergeant-at-Arms before the House, whereupon he shall be noted as present, discharged from arrest, and given an opportunity to vote and his vote shall be recorded.*—Rule XV, clause 4.

A smaller number than a quorum may be authorized to compel the attendance of absent Members, in such manner and under such penalties as the House may provide.—*Const.*, 1, 5.

#### MEMBERS TAKEN INTO CUSTODY—ARRESTS.

An adjournment terminates proceedings under a call of the House unless otherwise ordered by the House. The House may, however, by resolution, continue in force beyond an adjournment the order that the Sergeant-at-Arms take into custody and bring to the bar absent Members, and may make such order returnable to a day subsequent to the day of adjournment.—*Journal*, 1, 30, pp. 1034, 1035; (*Journal*, 1, 52, pp. 166, 167).

The rule does not require that absentees, or those not voting on a roll call, shall be noted in the Journal, or that their names be read to the House.—*Journal*, 1, 51, p. 1028.

#### REVOKE LEAVE OF ABSENCE.

A motion to revoke leave of absence previously granted is in order pending a call of the House, and may be determined by less than a quorum, being a proceeding to secure the attendance of absent Members.—*Journal*, 1, 48, p. 621; 1, 50, p. 1571; 2, 53, p. 141.

Leave of absence can not be granted by the House when less than a quorum is present. But less than a quorum may excuse a Member who fails to answer on a call.—*Record*, 2, 50, p. 512; *Journal*, 2, 53, pp. 327, 328.

#### DEDUCTION OF COMPENSATION FOR ABSENCE.

The failure of a quorum being disclosed, a resolution directing the Sergeant-at-Arms to enforce the provisions of section 40 of the Revised Statutes, relative to deduction from compensation of Members on account of absence, was held not in order as a proceeding to compel attendance of absent Members.—*Congressional Record*, 1, 51, p. 9922.

## ACCOUNTS, COMMITTEE ON.

*The following-named committees shall have leave to report at any time on matters herein stated, viz: \* \* \* The Committee on Accounts on all matters of expenditure of the contingent fund of the House.—Rule XI, clause 57.*

*No person shall be an officer of the House or continue in its employment who shall be an agent for the prosecution of any claim against the Government, or be interested in such claim otherwise than as an original claimant; and it shall be the duty of the Committee on Accounts to inquire into and report to the House any violation of this rule.—Rule XLIII.*

*A resolution reported from the Committee on Accounts for the payment of money out of the contingent fund of the House is not subject to the point of order that its first consideration must be in Committee of the Whole.—Journal, 2, 51, p. 216.*

*The privilege of reporting on expenditures out of the contingent fund does not give the Committee on Accounts the right to report upon nonprivileged matters as privileged.—Journal, 1, 54, p. 216.*

*Reports from this committee touching payment from the contingent fund of the House are privileged. (See also Committees.)*

## ACCOUNTS, TEMPORARY COMMITTEE ON.

*That the Speaker of the House of Representatives of the Fifty-third Congress shall, before the expiration of his term of service, appoint from among the Representatives-elect to the Fifty-fourth Congress a temporary committee on accounts of three members, which said committee on accounts shall have the same powers and perform the same duties in reference to payments made from the contingent fund of the House of Representatives of the Fifty-fourth Congress as are now authorized by law and the rules of the present House of Representatives; and which said temporary committee on accounts shall begin to exercise its powers immediately upon the termination of this Congress, and shall continue to exercise and discharge said duties until after the meeting and organization of the House of Representatives of the Fifty-fourth Congress, and until the appointment of the regular Committee on Accounts. And all payments made out of the contingent fund of the House of Representatives upon vouchers approved by said temporary committee on accounts shall be deemed, held, and*

taken, and are hereby declared to be conclusive upon all the Departments and auditing officers of the Government. And hereafter the Speaker of the House of Representatives of each subsequent Congress shall, before the termination of the last session of each Congress, appoint from the Representatives-elect a temporary committee on accounts, of three members, with similar powers and for the same purposes.—*Supplement Revised Statutes, vol. 2, pp. 413, 414.*

#### ACCOUNT FOR PAY AND MILEAGE.

(*See Compensation.*)

#### ACTS AND ADDRESSES.

*Acts and addresses shall be signed by the Speaker.*—Rule I, clause 4.

#### ADHERE, MOTION TO.

The questions respecting amendments from the Senate are, first, to agree; second, disagree; third, recede; fourth, insist; fifth, adhere—*Manual, p. 164*—and take precedence in that order.—*Journal, 1, 23, p. 229; 1, 34, pp. 1516–1518.*

A conference may take place after a vote of adherence by one House.—*Journals, 1, 3, pp. 281, 283; 2, 3, p. 254; 1, 34, pp. 1600, 1602; 1, 35, pp. 604, 615, 620; Senate Journal, January 20, 1834; Manual, p. 177.*

(*See Amendments between the two Houses; and Conference Committee.*)

#### ADJOURNMENTS.

##### ADJOURN, WHEN.

*When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer, or to amend, or postpone indefinitely; which several motions shall have precedence in the foregoing order.*—Rule XVI, clause 4.

##### ADJOURN—ONE MOTION.

*Pending a motion to suspend the rules, the Speaker may entertain one motion that the House adjourn; but after the result thereon is announced he shall not entertain any other dilatory motion till the vote is taken on suspension.*—Rule XVI, clause 8.

**ADJOURN, PRECEDENCE OF THE MOTION.**

*When a motion has been made and carried or lost, it shall be in order for any Member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report or a motion to adjourn.—Rule XVIII, clause 1.*

**ADJOURN AFTER CALL OF THE HOUSE.**

*And thereupon further proceedings under the call shall be considered as dispensed with. At any time after the roll call has been completed the Speaker may entertain a motion to adjourn, if seconded by a majority of those present, to be ascertained by actual count by the Speaker; and if the House adjourns, all proceedings under this section shall be vacated.—Rule XV, clause 4.*

*The hour at which the House adjourns shall be entered on the Journal.—Rule XVI, clause 5.*

**WHEN AND BY WHOM MOTION FOR, CAN BE MADE.**

*A motion for adjournment can not be made by one Member while another is speaking.—Manual, p. 136.*

*A Member speaking may yield for a motion to adjourn or that the committee rise without losing his right to the floor when the subject is resumed.*

*The motion can not be received after another question is actually put and while the House is actually engaged in voting.—Manual, p. 148.*

*A conference report may be presented pending a motion to adjourn—Journal, 1, 51, p. 822—provided that the absence of a quorum has not been disclosed; in which event no business could be transacted.*

*It was held in the Forty-seventh Congress that a motion to adjourn might be entertained after the House votes to resolve into Committee of the Whole, if made before the Speaker leaves the chair.—Journal, 1, 47, p. 609. Subsequently it was held not to be in order for the Speaker, after the House votes to resolve into Committee of the Whole, to entertain a motion to adjourn, the effect of the vote being *ipso facto* to resolve the House into committee—Record, 2, 49, p. 917.*

*A motion to reconsider the vote by which the House refuses to adjourn is not in order.—Journal, 2, 45, p. 139.*

A motion to fix the hour to which the House shall adjourn is not a privileged motion.

**MOTION TO ADJOURN CAN NOT BE AMENDED.**

A motion to adjourn can not be amended, as by adding "to a particular day," but must be simply "that this House do now adjourn;" and if carried in the affirmative, it is adjourned to the next sitting day, unless it has come to a previous resolution "that at its rising it will adjourn to a particular day," and then the House is adjourned to that day.—*Manual*, p. 183.

A motion to adjourn may be repeated, although no question has been put or decided since the former motion—*Journal*, 1, 23, p. 651—but there must have been some intervening business.—*Journal*, 1, 31, 1092.

Decision by the Chair on a question of order was held to be such intervening business as would authorize the repetition of a motion to adjourn.—*Journal*, 2, 53, p. 330.

If a question be put for adjournment, it is no adjournment till the Speaker pronounces it.—*Manual*, p. 183.

**MOTION TO ADJOURN MAY BE REPEATED.**

Pending a motion to suspend the rules, a motion to adjourn having been voted down and no quorum voting to second the former motion, a motion to adjourn is again in order, though no other business has intervened.—*Journal*, 2, 50, p. 103.

A vote of the House on a motion for a call of the House, on a motion for recess, or other proposition, is such intervening business as will authorize the repetition of the motion to adjourn.

The refusal of the House to agree to a motion to fix the day to which the House shall adjourn constitutes business in a parliamentary sense.—*Journal*, 2, 48, p. 430.

A motion to adjourn is in order before the Journal is read.—*Record*, 2, 50, p. 677.

Sunday is not taken into account under a motion to fix the day to which the House shall adjourn.—*Journal*, 1, 54, p. 83.

**ERRORS IN ANNOUNCING VOTE ON ADJOURNMENT.**

If, by reason of an error in reporting the result of a roll call, the Speaker announces that the House decides to adjourn, and the House does in fact accordingly disperse and adjourn, although the vote as actually recorded shows a refusal to adjourn, the session of the House when it next meets will be

considered not a continuation of the preceding session, but as of a new legislative day.—*Record*, 2, 49, p. 314.

#### EFFECT OF AN ADJOURNMENT.

There must be an adjournment before the legislative day will terminate—*Journal*, 1, 33, p. 804—and an adjournment does not take place by reason of the arrival of the time for the regular daily meeting of the House.—*Journal*, 1–33, pp. 803, 811. And an adjournment does not necessarily take place at 12 p. m. on Saturday, nor is it against order for a majority to continue in session after the said hour, it being a question which must be left to be decided by the judgment and discretion of the House itself.—*Journal*, 1, 24, pp. 577, 582.

An adjournment terminates proceedings under a call of the House unless otherwise ordered by the House. The House may, however, by resolution, continue in force beyond an adjournment the order that the Sergeant-at-Arms take into custody and bring to the bar absent Members.—*Journal*, 1, 30, pp. 1034, 1035; (1, 52, pp. 166, 167).

#### ADJOURNMENT BEYOND THREE DAYS.

Neither House during the session of Congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.—*Const.*, 1, 5, 4, 5.

In case of disagreement between the two Houses with respect to the time of adjournment, the President may adjourn them to such a time as he may think proper.—*Const.*, 2, 3, 17.

Such adjournment is effected by a concurrent resolution, of which the following is the usual form:

*Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on —, the — day of —, they stand adjourned until 12 o'clock meridian on —, the — day of —.*

Where the two Houses adjourn for more than three days, and not to, or beyond the period fixed by the Constitution or law for the next regular session, the session is not thereby terminated, but continues until an adjournment without day, or until the next regular session. (*See Journals*, 1, 39, pp. 107, 108; 2 39, p. 106; 1, 40, pp. 157, 158, 184.) And it is competent by con-



current resolution to provide for an adjournment to a particular day, and if upon that day a quorum is not present in each House, that the session shall terminate.—*Journal*, 1, 40, pp. 157, 158, 184.

#### ADJOURNMENT SINE DIE.

The adjournment of a session (other than that which terminates with the expiration of the term of service of the Members) is provided for by the joint vote of the two Houses, and usually in the following form: “*Resolved by the Senate and House of Representatives*, That the President of the Senate and Speaker of the House of Representatives be authorized to close the present session by adjourning their respective houses on the — day of —, at — o’clock — m.” And such resolutions have always been held as privileged.

A resolution fixing the day for final adjournment is subject to the motion to commit.—*Journal* 1, 50, p. 2941.

Upon the arrival of the day and hour fixed, or the hour of 12 o’clock m. of the 4th of March of each alternate year, when, by the usage, the last session of a Congress terminates, the Speaker (either on or without motion) pronounces the House adjourned *sine die*.—*Journals*, 1, 28, p. 1175; 1, 33, p. 1345; 1, 35, p. 1148; 2, 32, p. 431; 3, 34, p. 691; 2, 35, p. 625.

The day of the expiration of a Congress, March 4, is not specifically fixed by the Constitution or any statute. It results from the fact that the First Congress under the Constitution was authorized to commence, and did commence, its proceedings on the first Wednesday in March, 1789, which fell on the 4th day of the month. Article I, section 2, of the Constitution, providing that Members shall be chosen every second year, has been construed by usage, at least, as limiting the term to two years. Whence it follows that a Congress must expire on the 4th day of March of every odd year. This construction is also recognized in the act of February 2, 1872 (R. S., sec. 25), which fixes the day for the election of Representatives and Delegates to “the Congress commencing on the fourth day of March next thereafter.”

A review of the proceedings in detail, by virtue of which the commencement and termination of the Congress is thus established, written by Hon. George S. Boutwell, the Commissioner

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who prepared the Revised Statutes of 1878, is, by his permission, here appended as follows:

On the 13th of September, 1787, Mr. Johnson, of Connecticut, from the Committee on Style, reported to the Federal Convention that formed the Constitution of the United States two resolutions, the second of which is as follows:

*Resolved*, That it is the opinion of this convention that as soon as the conventions of nine States shall have ratified this Constitution the United States, in Congress, shall fix a day on which electors shall be appointed by the States which shall have ratified the same, and a day on which the electors shall assemble to vote for President, and the time and place for commencing the proceedings under this Constitution; that after such publication the electors should be appointed, and the Senators and Representatives elected; that the electors should meet on the day fixed for the election of the President, and should transmit their votes certified, signed, sealed, and directed, as the Constitution requires, to the *Secretary of the United States* in Congress assembled; that the Senators and Representatives shall convene at the time and place assigned; that the Senate should appoint a president for the sole purpose of receiving, opening, and counting the votes for President, and that after he shall be chosen the Congress, together with the President, should, without delay, proceed to execute this Constitution.

This resolution, which appears to have been adopted on the 17th of September, 1787, may be found in the Madison Papers containing the debates upon the Confederation and the Federal Constitution, page 541; and also in the Journal of Congress, vol. 12, pages 163 and 164, of the original edition, and vol. 4, page 781, of the edition of 1823:

The Continental Congress, at a session held September 12, 1788, adopted the following resolution:

*Resolved, etc.*, That the first Wednesday in January next be the day for appointing electors in the several States which before the said day shall have ratified the said Constitution; that the first Wednesday in February next be the day for the electors to assemble in their several States and vote for a President; and that the first Wednesday in March next be the time and the present seat of Congress the place for commencing proceedings under the said Constitution.

The preamble to this resolution recites a portion of the resolution of September 17, 1787, but refers to it as having been passed on the 28th day of September, 1787. This last resolution may be found in the Journal of Congress, edition of 1823, vol. 4, page 866.

current resolution to provide for an adjournment to a particular day, and if upon that day a quorum is not present in each House, that the session shall terminate.—*Journal*, 1, 40, pp. 157, 158, 184.

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*Resolved*, That it is the opinion of this convention that as soon as the conventions of nine States shall have ratified this Constitution the United States, in Congress, shall fix a day on which electors shall be appointed by the States which shall have ratified the same, and a day on which the electors shall assemble to vote for President, and the time and place for commencing the proceedings under this Constitution; that after such publication the electors should be appointed, and the Senators and Representatives elected; that the electors should meet on the day fixed for the election of the President, and should transmit their votes certified, signed, sealed, and directed, as the Constitution requires, to the *Secretary of the United States* in Congress assembled; that the Senators and Representatives shall convene at the time and place assigned; that the Senate should appoint a president for the sole purpose of receiving, opening, and counting the votes for President, and that after he shall be chosen the Congress, together with the President, should, without delay, proceed to execute this Constitution.

This resolution, which appears to have been adopted on the 17th of September, 1787, may be found in the Madison Papers containing the debates upon the Confederation and the Federal Constitution, page 541; and also in the Journal of Congress, vol. 12, pages 163 and 164, of the original edition, and vol. 4, page 781, of the edition of 1823:

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The preamble to this resolution recites a portion of the resolution of September 17, 1787, but refers to it as having been passed on the 28th day of September, 1787. This last resolution may be found in the Journal of Congress, edition of 1823, vol. 4, page 866.

It thus appears that the Continental Congress, by the resolution of September 12, 1788, and acting under and by virtue of the authority conferred upon it by the resolution of the Constitutional Convention of September 17, 1787, declared that the first Wednesday in March, 1789, should be the time for commencing proceedings under the Constitution. The first Wednesday of March in that year fell on the fourth day of that month. The first paragraph of the second section of the first article of the Constitution provides that the House of Representatives shall be composed of Members chosen every second year by the people of the several States. This implies necessarily that the term is for two years, and as the term of the Members elected to the First Congress commenced on Wednesday, the 4th day of March, 1789, their term expired, by operation of the Constitution, on the 4th day of March, 1791; and, by a like necessity, the term of their successors commenced on the same day. As that provision of the Constitution has been operative without modification from that day to this, it has not been possible to make any change in the commencement or ending of a Congress, or of the terms of Members of the House of Representatives.

It thus appears also that a term of Congress is as fixed as though specific provision had been made in the Constitution that it should commence on the 4th day of March and terminate on the 4th day of March at the end of every two years.

#### ADVERSE REPORTS.

*(See Reports.)*

#### AGRICULTURE, COMMITTEE ON.

*(See Committees.)*

#### ALCOHOLIC LIQUOR TRAFFIC, COMMITTEE ON.

*(See Committees.)*

#### ALCOHOL IN ARTS, JOINT COMMITTEE TO INVESTIGATE SUBJECT OF.

*(See Committees.)*

#### AMENDMENTS.

##### AMENDMENTS, WHEN IN ORDER.

*When a motion or proposition is under consideration a motion to amend and a motion to amend that amendment shall be in order; and it shall also be in order to offer a further amendment*

*by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected; but either may be withdrawn before amendment or decision is had thereon. Amendments to the title of a bill or resolution shall not be in order until after its passage, and shall be decided without debate.—Rule XIX.*

#### AMENDMENTS IN COMMITTEE OF THE WHOLE.

*When general debate is closed by order of the House, any Member shall be allowed five minutes to explain any amendment he may offer, after which the Member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.—Rule XXIII, clause 5.*

#### TO CLOSE DEBATE ON IN COMMITTEE OF THE WHOLE.

*The committee may, by the vote of a majority of the Members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment, to be decided without debate.—Rule XXIII, clause 6.*

#### PRECEDENCE OF MOTION TO AMEND.

*A motion to strike out the enacting words of a bill shall have precedence [in Committee of the Whole] of a motion to amend, and, if carried, shall be considered equivalent to its rejection.—Rule XXIII, clause 7.*

*When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer, or to amend, or postpone indefinitely; which several motions shall have precedence in the foregoing order.—Rule XVI, clause 4.*

#### AMENDMENTS, GERMANE.

*A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion*

*to strike out and insert; and no motion or proposition subject different from that under consideration shall be under color of amendment.—Rule XVI, clause 7.*

#### AMENDMENTS, PREVIOUS QUESTION ON.

*The previous question may be asked and ordered upon motion, a series of motions allowable under the rules, or amendment or amendments, or may be made to embrace all amendments or amendments and include the bill to its passage.—Rule XVII, clause 1.*

#### AMENDMENT BY DESIGNATING ONE BILL FOR ANOTHER.

*[After the morning hour a motion may be made when ordered by a committee to go into the Committee of the Whole on the state of the Union to consider a particular bill, motion one amendment only, designating another bill, made; and if either motion be determined in the negative shall not be in order to make either motion again until disposal of the matter under consideration or discussion.—Rule XXIV, clause 5.*

#### AMENDMENT IN AN APPROPRIATION BILL.

*No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any appropriation not previously authorized by law, unless in continuing appropriations for such public works and objects as are in progress.—Rule XXI, clause 2.*

#### AMENDMENTS, EFFECT OF CONFERENCE REPORT ON.

*And there shall accompany every such report a detail of amendments sufficiently explicit to inform the House what effect amendments or propositions will have upon the measures they relate.—Rule XXIX.*

#### AMENDMENTS OF THE SENATE.

*Any amendment of the Senate to any House bill shall be brought to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union, if, or in the House, it would be subject to that point.—Rule XXIV, clause 2.*

*House bills with Senate amendments which do not require consideration in the Committee of the Whole may be at once taken up as the House may determine.—Rule XXIV, clause 2.*

#### AMENDMENTS, WHAT, MAY BE PROPOSED.

*It is in order to move an amendment to the original bill as well as to the substitute reported therefor before the*



**WHAT MAY BE PROPOSED—Continued.**

**taken on agreeing to the substitute. But a substitute once agreed to can not be further amended except by special agreement on the part of the House.—*Record, 1, 49, p. 7615.***

**A bill being before the House by unanimous consent is subject to any amendment which may be proposed under the rules.—*Journal, 1, 45, p. 223.***

**It is no ground for refusing to entertain an amendment that the House has previously rejected a substantially similar amendment to another part of the bill.—*Journal, 1, 47, p. 1285.***

**While a large part of the proposed amendment may be identical with some provision of the bill already stricken out, yet, if, as a whole, it contain matter substantially different from that already voted on, it is not necessarily out of order.—*Journal, 2, 48, p. 191.***

**If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress as if it were against order.—*Manual, p. 157.***

**Amendments reported from the Committee of the Whole inconsistent, one with the other, must, nevertheless, be severally voted on in the House in the order in which they are reported.—*Journal, 2, 53, p. 129.***

**The motion to commit is amendable, as by adding instructions to the committee.—*Journal, 2, 47, p. 1724.***

**A motion to commit under clause 1, Rule XVII, with or without instructions, is subject to amendment under Rule XIX, unless precluded by ordering the previous question on the motion to commit.—*Journal, 1, 48, p. 1430.***

**An amendment may be moved to an amendment, but it is not admitted in another degree.—*Manual, p. 153.***

**An amendment proposing to ingraft a general provision of law upon a private bill is against order—*Journal, 1, 31, p. 784; 1, 52, p. 312*—or having the effect of converting a private into a public bill (or *vice versa*).—*Journal, 1, 48, pp. 761, 762.* It is also out of order to ingraft upon a bill for the relief of one individual a provision for the relief of another.—*Journal, 2, 32, p. 414.***

**On an amendment being moved, a member who has spoken to the main question may speak again to the amendment.—*Manual, p. 157.***



A simple resolution of the House can not be amended so as to be converted into a *Joint Resolution*.—*Journal*, 1, 32, p. 679.

The text of an amendment which has been agreed to is not further amendable—*Record*, 1, 52, pp. 4923, 4927—which decision was on appeal affirmed by the committee, ayes, 95; noes, 33—p. 4298.

#### AMENDMENTS, WHEN IN ORDER.

A Member who is recognized and has the floor has the right, at any time, to offer an amendment.—*Record*, 1, 49, p. 204. This ruling, of course, applies to proceedings in the House before the previous question is ordered, and when motions of equal or higher privilege than the proposed amendment are not already pending.

A bill can not be amended on the first reading.—*Manual*, p. 137. It has become the settled practice of the House not to receive an amendment to a House bill except when the question is on its engrossment, nor to a Senate bill except when the question is on ordering it to a third reading.

It is not in order to amend a pending privileged proposition by adding instructions to a committee on a subject or matter not privileged and not germane to the original proposition.—*Journal*, 1, 48, p. 389; 2, 48, p. 546.

Senate amendments to House bills which require consideration in the Committee of the Whole must be referred from the Speaker's table to a standing or select committee pursuant to Rule XI.—*Journal*, 2, 51, p. 342; 2, 52, p. 68.

An amendment of the Senate not requiring consideration in Committee of the Whole is, when laid before the House for action, subject to a motion to commit and other parliamentary motions, provided the previous question is not demanded or ordered on the motion to concur.—*Journal* 2, 52, p. 101.

If the motion to amend is pending when a demand for the previous question is made, should the previous question be ordered, the vote is not immediately taken on the main question, but must be first taken on the amendment. (*See Previous Question.*)

After the bill has been reported from the Committee of the Whole with amendments it is in order to submit additional

**WHEN IN ORDER—Continued.**

amendments, but the first question put is upon the amendments reported.—*Journal*, 1, 29, p. 865.

It is the usual practice in the House, immediately upon the report of a bill from the Committee of the Whole, for the Member having it in charge to move the previous question, which, if carried, precludes the moving of further amendments in the House.

If, in Committee of the Whole, an amendment is adopted, and subsequently the paragraph as amended is struck out, the amendment striking out is the only one to be reported to the House. And if the latter is voted down in the House, the first amendment is not thereby revived.—*Journal*, 2, 31, p. 346.

When it is proposed to amend *by inserting a paragraph*, or part of one, the friends of the paragraph may make it as perfect as they can, by amendments, before the question is put for inserting. If it be received, it can not be amended afterward in the same stage, because the House has, on a vote, agreed to it in that form.—*Manual*, p. 158. This same clause applies to the *striking out* of a paragraph. But an amendment which has been inserted may be added to.—*Journal*, 1, 19, p. 794.

Although it is not in order to strike out by itself what has been inserted, it may be moved to strike out a portion of the original paragraph, comprehending what has been inserted, provided the coherence to be struck out be so substantial as to make this effectively a different proposition.—*Manual*, p. 159.

Where a special order provides that certain amendments shall be voted on at a certain time, it is not in order to propose amendments to such specified amendments.—*Journal*, 1, 53, p. 18.

In Committee of the Whole, amendments are not in order pending general debate, or before the reading of the bill by paragraphs has begun.

**AMENDMENTS, MODIFICATIONS OF.**

An amendment is an entirety, and if any part is subject to a point of order, the whole amendment in the form presented is out of order. (*See Journal*, 1, 47, p. 1701.) It may, however, be modified by omitting the obnoxious part, and thus be admissible.

## MODIFICATION OF—Continued.

An amendment reported from the Committee of the Whole as an entire amendment is not divisible.—*Journal*, 1, 28, p. 1061; 1, 29, pp. 366, 642; 1, 30, p. 1059; 2, 30, p. 574; 2, 51, p. 167. Nor is an amendment of the Senate divisible.—*Journal*, 2, 32, p. 401. It is, however, subject to the point of order that under Rule XX and Rule XXIII, clause 3, it must be first considered in the Committee of the Whole.

A motion to amend can not be modified after the previous question is seconded.—*Journal*, 1, 28, p. 811.

## AMENDMENTS AS PENDING.

After a proposition is amended it can not be withdrawn.—*Rule XVI, clause 2.* (Nor after the previous question is ordered.) It may, however, be withdrawn while the House is dividing on a demand for the previous question.—*Journal*, 2, 29, p. 241.

It is not in order, except by unanimous consent, to withdraw an amendment proposed to a bill and pending when the previous question is ordered or becomes operative by virtue of a previous order of the House.—*Journal*, 1, 51, p. 550–551.

Amendments reported from committees to the several parts of a bill are considered as pending when the bill comes up for consideration, regardless of the restrictions prescribed in Rule XIX, they being in fact a part of the proposition reported.

## AMENDMENTS IN THE NATURE OF A SUBSTITUTE.

An amendment by way of substitute for a pending bill can not be itself amended by substituting therefor the original bill.—*Record*, 2, 50, p. 984.

It is the well-settled practice of the House to permit as pending, at the same time with such amendment to the amendment, an amendment in the nature of a substitute for part or the whole of the original text, and an amendment to that amendment.—*Journal*, 1, 31, pp. 1074, 1075. It was decided in the 9th Congress that if the motion to amend the original matter was *first* submitted, it was not then in order to submit an amendment in the nature of a substitute.—*Journal*, 1, 9, p. 794—but it was subsequently decided otherwise.—*Journal*, 1, 28, p. 807; 1, 51, p. 130—and the practice since has been in accordance with the latter decision.

Pending consideration in Committee of the Whole of an ap-

**SUBSTITUTE—Continued.**

**P**ropriation bill by paragraphs for amendment, but before the reading of all the paragraphs has been completed, an amendment striking out all after the enacting clause and inserting a substitute was proposed and debated. *Held*, that, no further amendment being proposed to the text of the bill, it was in order to vote on the substitute without reading the remaining paragraphs.—*Record*, 2, 49, p. 1059.

Where a committee desires to report a substitute for a bill or a number of bills, the most convenient practice is to report the original bill adversely, and in lieu thereof a new bill (not a substitute as it is sometimes termed), which new bill is placed on the Calendar, and the original bill or bills are ordered to lie on the table. This method prevents confusion in the consideration of the measure reported favorably to the House.

It is not in order to *move* to consider a Senate bill in lieu of a House bill.—*Journal*, 2, 52, p. 52. But a motion to substitute the text of a Senate bill as an amendment to the House bill is in order.

**AMENDMENTS NOT GERMANE.**

An amendment need not necessarily be germane to the pending paragraph, but must be to the general provisions of the bill.—*Journal*, 2, 45, p. 1230.

A motion to commit with instructions to report a certain amendment is not in order if the proposed amendment is not germane or in order to the pending bill.—*Journal* 1, 48, pp. 1247, 1248.

To a resolution calling on a Department for information, a proposed amendment calling for information relative to an entirely different subject is not germane, and is out of order.—*Journal*, 1, 48, p. 683.

An amendment conferring power upon the President to suspend certain revenue laws to a bill, to protect trade and commerce against unlawful restraints, was held to be not germane.—*Journal*, 1, 51, p. 556.

To a street railway bill requiring officers to make an annual report, an amendment to regulate fares was held not to be germane.—*Journal*, 1, 51, p. 667.

To a resolution fixing an order for the consideration of a

## NOT GERMANE—Continued.

particular bill, an amendment proposing to include a bill relating to a different subject, not germane.—*Journal*, 1, 51, p. 295.

To a bill placing an officer on the retired list of the Army, an amendment in the nature of a substitute authorizing the payment of a pension to the beneficiary is not germane.—*Journal*, 1, 48, p. 703.

To a proposed provision appropriating money in aid of an exposition, an amendment providing, as a substitute, that a commission be appointed by the Speaker to investigate the expenditures made by the managers of such exposition was held to be not germane.—*Journal*, 2, 48, p. 694.

An amendment providing clerks for Members of the House was held not to be germane to a resolution assigning clerks to committees.—*Journal*, 1, 50, p. 306; 1, 51, p. 293.

An amendment providing for the appointment of a messenger to the House gallery was held not to be germane to a resolution assigning assistant clerks to certain committees.—*Journal*, 1, 54, p. 94.

An amendment prohibiting aliens from acquiring lands in the United States is not germane to a bill to secure the public lands to actual settlers.—*Journal*, 1, 50, p. 2222.

To a bill for the admission of a Territory into the Union as a State, an amendment providing for the admission of other Territories is not in order.—*Journal*, 2, 50, pp. 270, 293. (*See also* 2, 53, p. 453.) An amendment extending provisions of a bill for the benefit of one State, and applying same to another State, was also held not germane.—*Journal*, 2, 53, pp. 514, 515.

A motion to strike out all after the enacting clause of a bill defining "lard," and insert the text of a bill regulating commerce in food products, both bills relating to the same subject having been referred to the same committee, the amendment was held not to be germane.—*Journal*, 1, 51, pp. 980, 981.

To a bill directing the coinage of the silver bullion in the Treasury, an amendment authorizing the issue of interest-bearing bonds, payable in coin, was held not germane.—*Journal*, 2, 53, p. 216. To the same bill, an amendment authorizing the exchange of silver bullion for legal-tender Treasury notes was also held not germane.—*Journal*, 2, 53, p. 217.

To a revenue bill placing certain material on the free list, an amendment providing that the unit of value in the United States shall be the standard silver dollar was held not to be in order — 1, 52

**NOT GERMANE—Continued.**

An amendment authorizing extension of leave of absence to employees in the Public Printing Office, held not germane to a provision authorizing such extension to employees in the Executive Departments.—*Record*, 2, 52, p. 1394.

An amendment proposing general provisions of law upon a private bill is not germane and not in order.—*Journal*, 1, 52, p. 312.

A proposition to amend the Constitution by providing for the election of Senators by popular vote is not germane as an amendment to a joint resolution to amend the Constitution by changing the date of the commencement and termination of the terms of Senators and Members.—*Journal*, 2, 52, p. 39.

(See *Appropriation Bills, Amendments to.*)

**AMENDMENTS GERMANE.**

An amendment proposed to an amendment of the Senate must be germane to that amendment, and can not be held in order on the ground that it is germane to the subject-matter of the pending bill, the text of the bill, except as amended by the Senate, not being again open to amendment by the House.—*Journal*, 1, 48, pp. 1653, 1654.

To a bill reducing internal taxes, an amendment changing the duty and imposing certain other duties on imported merchandise was held to be in order as germane, it being necessary in determining the internal revenue to be derived from any article to consider also what the external revenue should be from articles of the same class.—*Journal*, 2, 41, p. 907.

An amendment to an appropriation bill expressing the sense of the Government as to the manner in which funds appropriated should be distributed is not subject to the point of order that it is not germane to the bill.—*Journal*, 1, 52, p. 22.

To a bill regulating the collection of tax on one article, amendments changing the rate of taxation on other articles are considered germane and in order.—*Journal*, 3, 46, p. 415, 416.

To an amendment providing clerks for Senators, an amendment substituting a provision for clerks to Senators and Representatives was held to be germane.—*Record*, 2, 48, p. 2420.

An amendment defining the duties of judges of circuit courts in regard to elections, proposed to a bill amending the election laws, was held to be germane.—*Journal*, 1, 51, p. 807.

An amendment to terminate diplomatic relations with the  
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## AMENDMENTS GERMANE—Continued.

Government of Turkey was held to be germane to a concurrent resolution expressing the hope that through European intervention the persecution of Christians in Turkey may be stayed.—*Journal*, 1, 54, p. 148.

## AMENDMENTS BETWEEN THE TWO HOUSES.

When either House, *e. g.*, the House of Representatives, sends a bill to the other, the other may pass it with amendments. The regular progression in this case is that the House disagree to the amendment; the Senate insist on it; the House insist on their disagreement; the Senate adhere to their amendment.—*Manual*, p. 174.

Either House may recede from its amendment and agree to the bill; or recede from their disagreement to the amendment, and agree to the same absolutely, or with an amendment.—*Manual*, p. 174. And a motion to recede takes precedence of a motion to insist.—*Journals*, 1, 23, p. 229; 1, 29, p. 696. But the House can not recede from or insist on its own amendment with an amendment. \* \* \* They may modify an amendment from the other House by ingrafting an amendment on it.—*Manual*, p. 174.

A motion to amend an amendment from the other House takes precedence of a motion to agree or disagree. A bill originating in one House is passed by the other with an amendment. The originating House agree to their amendment with an amendment. The other may agree to their amendment with an amendment, that being only in the second and not the third degree; for, as to the amending House, the first amendment with which they passed the bill is a part of its text; it is the only text they have agreed to.—*Manual*, p. 175.

While the motion to amend a Senate amendment takes precedence in the first instance over the motion to agree or disagree, yet if the House has disagreed and subsequently the amendments are again before the House, the motion to *recede* and agree takes precedence over the motion to recede and agree with an amendment.—*Journal* 2, 53, p. 557. For, if the House refuse to recede and agree absolutely, either the motion to insist or the motion to recede and agree with an amendment would still be in order. (*See Manual*, p. 164.)

In the ordinary parliamentary course there are two free conferences, at least, before an adherence—*Manual*, p. 177; *Journals*, 1, 34, p. 943; 1, 35, p. 1136—although either House is free to pass over the term of conferring and to adhere in the first



**BETWEEN THE TWO HOUSES—Continued.**

Instance; but it is not respectful to the other.—*Manual*, p. 276. A motion to insist, however, takes precedence of a motion to adhere.—*Journal*, 1, 34, pp. 1518, 1526. (See *Conference Committees*.)

After one House has adhered, the other may recede—*Journals*, 1, 1, pp. 113, 114; 1, 2, p. 152; 1, 8, pp. 671, 673—or ask a conference, which may be agreed to by the adhering House.—*Journals*, 1, 1, pp. 156, 157; 1, 3, pp. 281, 283; 1, 35, pp. 604, 615, 620. (See *adhere, motion to*.)

Pending the consideration by the House, of Senate amendments to a House bill, it is not in order to amend the text of the bill which has been agreed to by both Houses.—*Record*, 2, 48, p. 2304.

A report on Senate amendments does not present a privileged question until there has been a disagreement by the House to such amendments, even though the Senate has requested a conference thereon. *Record*, 1, 49, p. 7333.

An amendment proposed to a Senate amendment must be germane thereto—*Record*, 2, 50, p. 2454, and can not be held in order on the ground that they are germane to the subject-matter of the bill.—*Journal*, 1, 48, pp. 1653–1654.

The fact that an amendment adopted by the Senate increases the amount of appropriation for a certain item does not subject the amendment to the point of order that it be first considered in Committee of the Whole.—*Journal*, 3, 46, p. 558.

Amendments of the Senate to a House bill are not required to be considered in Committee of the Whole where they present no new proposition.—*Journal*, 1, 51, p. 1087.

Several amendments of the Senate to a House bill being under consideration, they are considered as respectively reached in order, and may be either acted on directly by the House or referred to the Committee of the Whole, according to the character of each amendment. (See *proceedings on Senate amendments to the bill H. R. 5667*, *Record*, 1, 48, July 3, 1884.)

An amendment of the Senate providing for a new and distinct subject-matter of taxation or of appropriation not included in the original House bill must receive consideration in Committee of the Whole before being acted on by the House—*Journal*, 1, 48, pp. 1657–1658; 2, 50, p. 667—and when such amendment is laid before the House it must be referred to



## BETWEEN THE TWO HOUSES—Continued.

a standing or select committee pursuant to Rules XI and XXIV.—*Journal*, 2, 52, p. 68; *Record*, 2, 52, p. 1150.

A motion to refer Senate amendments to a committee takes precedence over the motion to concur, for, otherwise, the refusal to concur being equivalent to nonconcurrence, the matter would in either event be concluded and the House precluded from committing the subject should it so desire.—*Record*, 1, 48, p. 3942. Refusal to recede is not, however, equivalent to insisting. (*See Manual*, p. 164.)

An amendment of the House to a Senate amendment is only in the first degree; for, as to the Senate, the first amendment with which they passed the bill is a part of its text; it is the only text they have agreed to.—*Manual*, p. 175.

Amendments of the Senate to a House bill being laid before the House for consideration, the point of order was made and sustained that the amendments should receive their first consideration in a Committee of the Whole, and therefore the bill and amendments were referred to a committee pursuant to Clause 2, Rule XXIV.—*Journal*, 1, 51, p. 1018.

The House having disagreed to amendments of the Senate to a House bill, and a conference on the disagreeing votes having been ordered, it is competent for the House, pending the conference, to discharge its conferees from further consideration of the bill and amendments and recede from its disagreement to such amendments.—*Journal*, 2, 53, pp. 563, 564.

*See Conference.*

## AMENDMENTS TO CONSTITUTION.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.—*Const.*, Art. 5, p. 22.

## APPEALS.

## THE SPEAKER.

*He shall decide all questions of order, subject to an appeal by any Member, on which appeal no Member shall speak more than once, unless by permission of the House.—Rule 1, clause 4.*

*All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.—Rule XVII, clause 3.*

*Pending the election of a Speaker (or Speaker pro tempore) the Clerk shall decide all questions of order that may arise, subject to appeal by any member.—Rule III, clause 1.*

*If any difficulty arises in point of order during the division, the Speaker is to decide peremptorily, subject to the future censure of the House, if irregular.—Manual, p. 170.*

*An appeal can not be taken from the decision of the Chair on a question of recognition.—Journal, 1, p. 51, p. 177.*

*An appeal may be laid on the table—Journal, 1, 26, p. 529—and, being laid on the table, does not carry with it the whole subject.—Journal 1, 26, p. 530. Of late years this motion is almost invariably made in case of an appeal; and, if carried, its effect is substantially to sustain the decision of the Chair.*

*It was the practice formerly for a Committee of the Whole to rise and report questions of order for the decision of the Speaker or of the House, and not to entertain appeals from the Chair to the committee.—Journal, 1, 41, p. 945.*

*The later practice has been to submit appeals to the committee, instead of reporting the question to the House.*

*A question of order just decided on appeal can not be renewed, even upon the suggestion of additional reasons.—Journal, 1, 32, p. 935.*

*Where an appeal has been decided, and by virtue of such decision a bill taken up and passed, it is too late to move a reconsideration of a vote on the appeal.—Journal, 1, 31, pp. 860, 861.*

*An appeal is not in order while another appeal is pending.—Globe, 1, 27, p. 154; 2, 29, p. 290.*

An appeal can not be withdrawn after the yeas and nays have been ordered on a motion to lay such appeal on the table.—*Record*, 1, 51, p. 6353.

Dilatory appeals, chair declined to entertain.—*Journal*, 1, 51, pp. 810, 931, 997; 2, 51, pp. 144, 166, 182.

The form of stating the question on an appeal is, "Shall the decision of the Chair stand as the judgment of the House?" or if in Committee of the Whole House, "Shall the decision of the Chair stand as the judgment of the committee?"

#### APPORTIONMENT OF REPRESENTATIVES.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.—*Constitutional amendment XIV*.

A bill making apportionment of Representatives among the several States presents a privileged question, the duty of making an apportionment within every decade being imposed upon Congress by Article 1, section 2 of the Constitution.—*Record*, 2, 51, p. 530.

Whenever a new State is admitted to the Union the Representative or Representatives assigned to it shall be in addition to the number three hundred and fifty-six.

In each State entitled under this apportionment the number to which such State may be entitled in the Fifty-fourth and each subsequent Congress shall be elected by districts composed of contiguous territory and containing, as nearly as practicable, an equal number of inhabitants. The said districts shall be equal to the number of the Representatives to which such State may be entitled in Congress, no one district electing more than one Representative.

In case of an increase in the number of Representatives which may be given to any State under this apportionment, such additional Representative or Representatives shall be elected by the State at large, and the other Representatives by the districts now prescribed by law until the legislature of such State, in the manner herein prescribed, shall redistrict such State, and if there be no increase in the number of Representatives from a State, the Representatives thereof shall be elected

From the districts now prescribed by law until such State be redistricted as herein prescribed by the legislature of said State.—*February 7, 1891; Stat. L., v. 26, p. 735.*

The following table shows the apportionment of Representatives to the several States for the Fifty-fourth Congress:

States.	Fifty-fourth.	States.	Fifty-fourth.
Alabama.....	9	Nebraska.....	6
Arkansas.....	6	Nevada.....	1
California.....	7	New Hampshire.....	2
Colorado.....	2	New Jersey.....	8
Connecticut.....	4	New York.....	34
Delaware.....	1	North Carolina.....	9
Florida.....	2	North Dakota.....	1
Georgia.....	11	Ohio.....	21
Idaho.....	1	Oregon.....	2
Illinois.....	22	Pennsylvania.....	30
Indiana.....	13	Rhode Island.....	2
Iowa.....	11	South Carolina.....	7
Kansas.....	8	South Dakota.....	2
Kentucky.....	11	Tennessee.....	10
Louisiana.....	6	Texas.....	13
Maine.....	4	Utah *.....	1
Maryland.....	6	Vermont.....	2
Massachusetts.....	13	Virginia.....	10
Michigan.....	12	Washington.....	2
Minnesota.....	7	West Virginia.....	4
Mississippi.....	7	Wisconsin.....	10
Missouri.....	15	Wyoming.....	1
Montana.....	1	Total.....	357

\* Admitted since apportionment.

### APPROPRIATION BILLS.

*No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.—Rule XXI, clause 2.*

*All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills*

An appeal can not be withdrawn after the yeas and nays have been ordered on a motion to lay such appeal on the table.—*Record*, 1, 51, p. 6353.

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In each State entitled under this apportionment the number to which such State may be entitled in the Fifty-fourth and each subsequent Congress shall be elected by districts composed of contiguous territory and containing, as nearly as practicable, an equal number of inhabitants. The said districts shall be equal to the number of the Representatives to which such State may be entitled in Congress, no one district electing more than one Representative.

In case of an increase in the number of Representatives which may be given to any State under this apportionment, such additional Representative or Representatives shall be elected by the State at large, and the other Representatives by the districts now prescribed by law until the legislature of such State, in the manner herein prescribed, shall redistrict such State, and if there be no increase in the number of Representatives from a State, the Representatives thereof shall be elected

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Kansas.....	8	South Dakota.....	2
Kentucky.....	11	Tennessee.....	10
Louisiana.....	6	Texas.....	13
Maine.....	4	Utah*.....	1
Maryland.....	6	Vermont.....	2
Massachusetts.....	13	Virginia.....	10
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*All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills*

*making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.—Rule XXIII, clause 3.*

*In Committees of the Whole House business on their calendars may be taken up in regular order, or in such order as the committee may determine, unless the bill to be considered was determined by the House at the time of going into committee, but bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.—Rule XXIII, clause 4.*

*At any time after the reading of the Journal it shall be in order, by direction of the appropriate committees, to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue, or general appropriation bills.—Rule XVI, clause 9.*

The style and title of all acts making appropriations for the support of the Government shall be as follows:

An act making appropriations [here insert the object] for the year ending June 30 [here insert the calendar year].—*R. S., sec. 11.*

Appropriation bills are reported from committees having jurisdiction over them, in open House, under the provisions of Rule XI, clause 57.

In the early Congressional legislation, appropriations for the several branches of the public service were made in an act entitled "An act making appropriation for the support of the Government." The practice now is, and has been for many years, to make such appropriations in separate general appropriation bills, now thirteen in all.

Six of these, the legislative, executive and judicial; the fortification, the pension, the sundry civil, the deficiency, and the District of Columbia, are reported by the Committee on Appropriations. The agricultural, by the Committee on Agriculture; the Army and the Military Academy, by the Committee on

Military Affairs; the Navy, by the Committee on Naval Affairs; the Indian, by the Committee on Indian Affairs; the post-office, by the Committee on the Post-Office and Post-Roads; the consular and diplomatic, by the Committee on Foreign Affairs, under the several provisions of Rule XI.

The river and harbor bill, while not classed as one of the general appropriation bills, has nearly the same privilege as the foregoing.

A provision in the sundry civil appropriation bill, making appropriation for the improvement of rivers and harbors pursuant to contracts authorized by a river and harbor appropriation act, was held to be in order as within the jurisdiction of the Committee on Appropriations.—*Record*, 2, 52, p. 1065.

#### AMENDMENTS TO, AND PROVISIONS IN, CHANGING LAW.

A provision reported in an appropriation bill, or an amendment proposed thereto, purporting to construe an existing law, is new legislation, and therefore is subject to a point of order under clause 2 of Rule XXI, notwithstanding the claim that it does not change the law, but simply gives a proper construction to it. For no legislative construction can be given to an existing law without new legislation, which would be additional legislation; and if it should be held that a provision or amendment professing to be a construction of existing law is in order, then the rule which prohibits new legislation or a change of existing law—for the two phrases are identical within the meaning of the rule—would be nullified, and all that anyone would need to do to avoid it would be to put his amendment or provision in a form so as to profess to construe existing law.—*Record*, 1, 51, p. 845.

A proposition reported in an appropriation bill, or an amendment proposed thereto, changing existing law for the fiscal year covered by the bill or suspending existing law for that year, is *pro tanto* new legislation for that period, and is subject to a point of order under clause 2, Rule XXI.—*Record*, 1, 54, p. 845.

Inasmuch as the House or the Committee of the Whole House on the state of the Union may refuse to appropriate in a general appropriation bill for a particular object authorized



## PROVISIONS CHANGING LAW—Continued.

by law, it is the well-settled practice that it may appropriate for a part of that object, and by a provision styled a "limitation" prohibit the expenditure of any of the appropriation for another part of the same general object. But a provision in an appropriation bill, or an amendment thereto, authorizing the expenditure of an appropriation, or any part of it, for an object not authorized by law, or in any manner diverting an appropriation to such object, is not a "limitation" on the appropriation within the meaning of this practice of the House, but, on the contrary, is an appropriation for an object not authorized by law and a change of existing law, subject to a point of order under clause 2 of Rule XXI.—*Record*, 1, 54, p. 846.

To the Indian appropriation bill an amendment was proposed reducing the amount appropriated for salaries of certain inspectors in the Indian Service from \$3,000 to \$2,000 per annum each. The point of order was made that said salaries were now fixed by law at \$3,000 per annum and that the present bill provided that the amounts appropriated were to be in full compensation for services. Therefore, that the amendment would change existing law. The Chair overruled the point of order and held that the amendment did not change existing law; that Congress had the right to make limitations and fix conditions upon such appropriations; the persons performing the service having the option of accepting or refusing the amounts so appropriated.—*Record*, 1, 54, p. 2276.

The failure of Congress to appropriate money, in the appropriation act for the current fiscal year, for an object authorized by law does not repeal such law; and an amendment providing for such object is in order on an appropriation bill, notwithstanding its omission from the previous appropriation act.—*Journal*, 2, 45, p. 1005.

An amendment proposed to a Senate amendment increasing the amount carried by the latter is in order, although the Senate amendment provides for a work not previously authorized by law and is a proposition which would have been out of order if originally proposed in the House.—*Record*, 1, 48, p. 5146.

An amendment being submitted to the District of Columbia

**PROVISIONS CHANGING LAW—Continued.**

appropriation bill providing for the erection of buildings for a reform school in the District, and the question being submitted to the Committee of the Whole, it was decided that it was not a violation of clause 2, Rule XXI.—*Record*, 1, 52, p. 1686.

Items of appropriation in the District of Columbia appropriation bill for the care of the poor and destitute, and for charitable and reformatory work being in order, it is competent for Congress to select whatever instrumentalities for the purpose it may deem suitable.—*Journal*, 1, 54, p. 383.

The following provision in the Army appropriation bill, namely, "That *hereafter* no money appropriated for army transportation shall be used in payment for the transportation of troops and supplies of the Army" over certain lines of railroad which are indebted to the Government, was held subject to the point of order under this rule.—*Record*, 1, 52, p. 2282.

An amendment providing that no money appropriated in the pending bill should be applied to the transportation of troops on certain railroads was held in order as being a limitation of expenditure and not a change of existing law.—*Record*, 1, 52, p. 2282.

An amendment to an appropriation bill, providing that, in the purchase of materials for public purposes, preference should be given to domestic products, was held out of order as being a change of law and not a mere limitation of the expenditure of the fund appropriated.—*Record*, 2, 52, p. 1020.

The Post Office appropriation act for the current fiscal year, containing an item "for necessary and special facilities on trunk lines," a provision in the pending appropriation bill adding to the words quoted a designation of the routes to which the appropriation should be applied, was held not to be a change of law, but merely a limitation of the discretion of the Postmaster-General; also *held*, that it was in order as being in continuation of a public object already in progress.—*Record*, 2, 52, p. 1813.

A provision in the Navy appropriation bill for additional ships was held to be in order, as being in continuation of a public object already in progress, namely, the maintenance of the Navy. There need not, therefore, be any previous legislation authorizing it.—*Record*, 2, 49, Feb. 26, 1887.

In the Military Academy appropriation bill a provision for

## PROVISIONS CHANGING LAW—Continued.

“fireproof building on site of public grounds at West Point” is within the purview of the rule.—*Record*, 2, 50, p. 717.

It was held, on the other hand, that an appropriation for a light station and for the construction of a new steam tender, the same not having been previously specifically authorized by law, was subject to the point of order under a similar rule.—*Record*, 1, 49, p. 5978.

A commission, acting under authority of Congress, having selected a site for a dry dock and navy-yard, but the work not having been authorized or actually in progress, a provision for the erection of such dry dock, etc., was held to be in conflict with the rule.—*Record*, 1, 52, p. 3261.

An appropriation for a light-house having been made in an appropriation bill in a previous year and remaining wholly unexpended, an amendment to the current sundry civil appropriation bill reappropriating the unexpended fund and providing that an additional appropriation be made for such light-house is new legislation.—*Record*, 1, 52, p. 4228.

A provision in the sundry civil appropriation bill “that all articles imported for the use of the Light-House Establishment shall be admitted without the payment of duty” is subject to the point of order that it changes law.—*Record*, 1, 52, p. 4232.

An item in the sundry civil appropriation bill providing for the cleaning and reissue of minor coins was held to be authorized by existing law by virtue of an item in a previous appropriation act authorizing the cleaning and reissue “of minor coins now in, or which may *hereafter* be received,” etc.—*Record*, 1, 52, p. 4384.

An item in the same bill, “to recoin any and all the uncurrent minor coins *now* in the Treasury,” was held to be a change of existing law and in conflict with the rule.—*Record*, 1, 52, pp. 4384, 4385.

An item for the recoinage of abraded uncurrent fractional silver coin was held to be not in conflict with the rule.—*Record*, 1, 52, p. 4385.

An item in, or an amendment to, an appropriation bill providing for an expenditure not previously authorized by law is construed to be a “change of existing law.”—*Record*, 1, 52, pp. 4384, 4668, 4671, 4675, 4726, 4727.

PROVISIONS CHANGING LAW—Continued.

Provisions in, or amendments to, appropriation bills, transferring the supervision and management of bureaus from one Department to another, is a change of law.—*Record*, 1, 44, p. 2822; 1, 52, p. 5167; 2, 53, p. 3002.

A provision in the Indian appropriation bill providing a mode of disposal of lands to be acquired under a proposed treaty authorized by the bill was held to be in order, although the proposed disposition was different from that applicable to lands already owned by the Government.—*Record*, 2, 53, p. 6427.

An amendment declaratory of the effect of a provision of law, and giving an interpretation different from that held by the Department charged with its execution, was held not to be a change of law.—*Record*, 2, 53, p. 3513. But an amendment declaring that a certain provision of law has been repealed is in effect positive legislation, and is subject to the point that it changes existing law.—*Record*, 2, 53, p. 5019.

Where the House has by resolution instructed the Committee on Appropriations to report a certain provision in an appropriation bill, which, without such instructions, would be out of order, such provision when reported is not subject to a point of order that it changes existing law, or is otherwise in conflict with the rules of the House.—*Record*, 2, 52, p. 1306.

APPROPRIATIONS, COMMITTEE ON.

This committee has the right to report at any time, under the rule, as follows:

*To appropriation of the revenue for the support of the Government, as herein provided, viz, for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for the District of Columbia; for pensions, and for all deficiencies: to the Committee on appropriations.*—Rule XI, clause 3.

(See also clause 57, Rule XI.)

The statement of appropriations, new offices created, salaries increased and reduced or omitted, and a chronological history of the regular appropriation bills is prepared pursuant to 25 Stat. L., p. 587, under the direction of the Committees on Appropriations of the House and Senate.

(See *Committees, Reports Privileged, and Jurisdiction of Committees.*)

## BANKING AND CURRENCY, COMMITTEE ON.

*(See Committees.)*

## BILLS.

## FORM OF.

The enacting clause of all acts of Congress hereafter enacted shall be in the following form: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled."—*R. S., sec. 7.*

No enacting words shall be used in any section of an act of Congress except the first.—*R. S., sec. 9.*

Each section shall be numbered, and shall contain, as near as may be, a single proposition of enactment.—*R. S., sec. 10.*

The style and title of acts making appropriations for the support of Government shall be as follows: An act making appropriations [here insert the object] for the year ending June 30 [here insert the calendar year].—*R. S., sec. 11.*

The term private bill shall be construed to mean all bills for the relief of private parties, bills granting pensions, and bills removing political disabilities.—*Supplement to R. S., vol. 2, p. 349.*

## INTRODUCTION AND REFERENCE OF.

*All proposed legislation shall be referred to the committees named in Rule X.*

## BILLS OF A PRIVATE NATURE.

*Members having petitions or memorials or bills of a private nature to present may deliver them to the Clerk, indorsing their names and the reference or disposition to be made thereof; and said petitions and memorials and bills of a private nature, except such as, in the judgment of the Speaker, are of an obscene or insulting character, shall be entered on the Journal with the names of the Members presenting them, and the Clerk shall furnish a transcript of such entry to the official reporters of debates for publication in the Record.—Rule XXII, clause 1.*

## BILLS EXCLUDED OR ERRONEOUSLY REFERRED.

*Any petition or memorial or private bill excluded under this rule shall be returned to the Member from whom it was received; and petitions and private bills which have been inappropriately*

*referred may, by the direction of the committee having possession of the same, be properly referred in the manner originally presented; and an erroneous reference of a petition or private bill under this clause shall not confer jurisdiction upon the committee to consider or report the same.—Rule XXII, clause 2.*

#### **BILLS, PUBLIC.**

*All other bills, memorials, and resolutions may, in like manner, be delivered, indorsed with the names of Members introducing them, to the Speaker, to be by him referred, and the titles and references thereof and of all bills, resolutions, and documents referred under the rules, shall be entered on the Journal and printed in the Record of the next day, and correction in case of error of reference may be made by the House in accordance with Rule XI on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.—Rule XXII, clause 3.*

#### **BILL BY REQUEST.**

*When a bill, resolution, or memorial is introduced “by request,” these words shall be entered upon the Journal and printed in the Record.—Rule XXII, clause 4.*

#### **BILL FOR PRIVATE CLAIM.**

*No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on Private Land Claims, and to the Committee on Accounts.—Rule XXI, clause 3.*

#### **BILLS REFERRED OR REPORTED.**

*No bill, petition, memorial, or resolution referred to a committee, or reported therefrom for printing and recommitment, shall be brought back into the House on a motion to reconsider; and all bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing, which shall be printed.—Rule XV III, clause 2.*

\* *Bills reported adversely shall be laid on the table unless the committee reporting a bill, at the time, or any Member within three*

*days thereafter, shall request its reference to the Calendar, when it shall be referred as provided in clause 1 of this rule.—Rule XIII, clause 2.*

The word “bill,” as used in clause 1, Rule XVII, is a generic term, and applies to and includes all legislative propositions which can properly come before the House.—*Journal 1, 48, p. 1296.* Therefore, after the previous question has been ordered on the passage of a joint, concurrent, or simple resolution, a motion to commit is in order in like manner as in case of a “bill.”

All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills.—*Const., 1, 7, 1, 6.*

#### PROCEEDINGS UPON.

*Bills and joint resolutions on their passage shall be read the first time by title and the second time in full, when, if the previous question is ordered, the Speaker shall state the question to be: Shall the bill be engrossed and read a third time? and, if decided in the affirmative, it shall be read the third time by title, unless the reading in full be demanded by a Member, and the question shall then be put upon its passage.—Rule XXI, clause 1.*

The question of engrossment is put in this form, viz: “Shall the bill be engrossed and read a third time?” If it be negatived the bill is rejected, but if it be decided in the affirmative, and the bill is actually engrossed, or no question is made on its failure to be engrossed, the Speaker *immediately* directs the “third reading of the bill,” and it is thereupon read (by title only) as a rule; but it is the right of any Member at this stage to demand its reading in full. But if the question is made, and it be not actually engrossed, the bill goes over as unfinished business unless interrupted by a motion for reconsideration or adjournment, usually made in order to gain time for its engrossment. In the case of a Senate bill, the engrossment having already been made before it came to the House, the question which arises is, “Shall the bill be read a third time?” which being decided negatively the bill is subject to the conditions above stated with respect to a House bill, but being decided affirmatively the bill is immediately read a third time, and the question then is on its passage.



## PROCEEDINGS UPON—Continued.

Where the bill has a preamble, although there is no rule, and until lately no settled practice, defining the stage at which it is to be considered, it would seem to be most appropriate that its consideration should take place *after the bill has been ordered to be engrossed and read a third time, and before the third reading takes place.* By this course the bill can be engrossed either with or without the preamble, as the House shall have determined.

After the third reading of a bill the question which next arises in course is, "Shall the bill pass?" At this stage the bill is not amendable, but is debatable.

The bill having passed, the title is subject to amendment, which pursuant to Rule XIX shall be decided without debate.

After the title is disposed of, it is usual for the Member having charge of the bill (though it may be made by any Member voting in the affirmative) to move "that the vote last taken be reconsidered, and that the motion to reconsider be laid on the table;" which latter motion having been decided in the affirmative, no reconsideration can take place, and the transmission of the bill to the Senate can not be delayed. If the bill be an important one, or is the subject of a contest, it is usual to make the motion "to reconsider and lie" at every stage of the bill.

The bill is then certified by the Clerk, noting the day of its passage at the foot thereof, and conveyed by him to the Senate, together with all the papers on which it is founded (according to the practice under the former Joint Rule XIV).

After the bill has been acted on by the Senate, it is brought back to the House by the Secretary of the Senate (or a Senate clerk) with the action of the Senate thereon properly indorsed, which is briefly stated to the House. If it has passed with amendment, it can be disposed of as the House may determine, pursuant to Rule XXIV, clause 2.

When taken up, the amendment of the Senate may be either agreed to, disagreed to, or agreed to with amendment; in case of an appropriation of money being involved in the amendment, however, it must be first considered in a Committee of the Whole.



## PROCEEDINGS UPON—Continued.

If the amendment of the Senate be agreed to, that body is notified of the fact by the Clerk, and the bill is thereupon enrolled. In case of disagreement to, or amendment of, the Senate's amendment,

(*See Amendments between the Houses and Conference Committees.*)

Bills of the Senate are referred to appropriate committees by the Speaker, pursuant to Rule XXIV, clause 2, thereafter the proceedings thereon being the same as in case of bills of the House.

A report on a Senate bill must be accompanied by the *engrossed bill*.

It is not in order to *move* to consider a Senate bill in lieu of a House bill.—*Journal*, 2, 52, p. 52. But a motion to substitute the text of a Senate bill as an amendment to the House bill is in order.

Senate bills substantially the same as House bills already favorably reported by a committee of the House, and not required to be considered in Committee of the Whole, may be disposed of as the House may determine, on motion directed to be made by such committee pursuant to Rule XXIV, clause 2.

There is no rule of the House which prohibits a committee from reporting a bill providing for several distinct works and objects, such as a bill for providing "for sundry light-houses and other aids to navigation."—*Record*, 1, 52, pp. 6172, 6173.

It is not necessary that a Senate bill substantially the same as a House bill favorably reported by a committee should be on the House Calendar when it is proposed to dispose of the same pursuant to clause 2, Rule XXIV.—*Record*, 1, 51, p. 5905; *Journal*, 1, 51, p. 726.

When reading an engrossed bill the point of order was made that the engrossed copy had not been compared; overruled on the ground that no rule of the House required that it be compared.—*Journal*, 1, 51, 984.

In recommitting a House bill with Senate amendments it is not in order to designate a time when the committee shall report the bill to the House.—*Journal*, 1, 51, 713.

The reference of a House bill with Senate amendments; question of authority. (*See proceeding on H. R. 5381.*) (*Record, 1, 51, p. 1145.*) *Journal, 1, 51, pp. 770 to 772.*

On Friday a motion to go into Committee of the Whole House on the state of the Union to consider a bill other than a revenue or general appropriation bill, is not in order as against private bills.—*Journal, 1, 51, p. 849.*

#### RECALL OF A BILL FROM THE PRESIDENT.

Pending a motion to suspend the rules and pass a resolution recalling a bill from the President, a point of order was made that it was out of the power of the House or the two Houses of Congress to recall a bill from the President. The Speaker held that the motion was a proper parliamentary motion under the rules.—*Journal, 1, 51, p. 828.*

#### BILLS, APPROVAL OF.

After a bill is presented to the President, "if he approve he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated."—*Const., 1, 7, 2, 6.* When the President approves a bill, it is the practice for him to notify the House where the bill originated of the fact and the date of his approval, which is entered on the Journal. This message is communicated by one of the President's secretaries and is entered in the Journal. It is then informally transmitted to the other House and is similarly entered on its Journal.—*See Rule XLI.*

If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.—*Const., 1, 7, 2, 6.* Where a bill is allowed to become a law by reason of the failure of the President to return the same, it is usual for him to notify the House of that fact, as in the case of approval.—*Journals, 2, 36, pp. 424, 480; 2, 39, p. 479.*

Whenever a bill, order, resolution, or vote of the Senate and House of Representatives, having been approved by the President, or not having been returned by him with his objections, becomes a law or takes effect, it shall forthwith be received by

**BILLS, APPROVAL OF—Continued.**

the Secretary of State from the President; and, whenever a bill, order, resolution, or vote is returned by the President with his objections, and, on being reconsidered, is agreed to be passed and is approved by two-thirds of both Houses of Congress, and thereby becomes a law or takes effect, it shall be received by the Secretary of State from the President of the Senate or Speaker of the House of Representatives, in whichever House it shall last have been so approved, and he shall carefully preserve the originals.—*Laws, 2d Session, Forty-third Congress, p. 294.*

For proceedings in case of a bill returned with the objections of the President, *see Veto.*

**BINDING.**

(*See Printing, Public.*)

**BLANKS.**

Blanks are filled by way of amendment, pursuant to the ordinary rules governing amendments, the larger sum and the longer time, according to the later practice of the House, having no precedence.

**BRIBERY.**

An offer to bribe a Member is held to be a breach of the privileges of the House.—*Journals 1, 4, p. 389; 1, 15, pp. 117, 154; 1, 33, 1178; 3, 31, 475, 476; Manual, p. 110.* Laws in relation to bribery of Members or officers; *R. S. 5450, 5451, 5500, 5501; see Members, post, p. 430.*

**BUSINESS, ORDER OF.**

*The daily order of business shall be as follows:*

*First. Prayer by the Chaplain.*

*Second. Reading and approval of the Journal.*

*Third. Correction of reference of public bills.*

*Fourth. Disposal of business on the Speaker's table.*

*Fifth. Unfinished business.*

*Sixth. The morning hour for the consideration of bills called up by committees.*

*Seventh. Motions to go into Committee of the Whole House on the state of the Union.*

*Eighth. Orders of the day.—Rule XXIV, clause 1.*

**MONDAYS AND FRIDAYS.**

*Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by the House.—Rule XXVI, clause 1.*

*The second and fourth Mondays in each month, after the disposal of such business on the Speaker's table as requires reference only, shall, when claimed by the Committee on the District of Columbia, be set apart for the consideration of such business as may be presented by said committee.—Rule XXVI, clause 3.*

*No rule shall be suspended except by a vote of two-thirds of the members voting, a quorum being present; nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month, preference being given on the first Monday to individuals and on the third Monday to committees, and during the last six days of a session.—Rule XXVIII, clause 1.*

**CORRECTION OF REFERENCE OF BILLS.**

*Private bills which have been inappropriately referred may, by the direction of the committee having possession of the same, be properly referred in the manner originally presented; and an erroneous reference of a petition or private bill under this clause shall not confer jurisdiction upon the committee to consider or report the same.—Rule XXII, clause 2.*

*All [other] bills, resolutions, and documents referred under the rules, shall be entered on the Journal and printed in the Record of the next day, and correction in case of error of reference may be made by the House without debate in accordance with Rule XI on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.—Rule XXII, clause 3.*

*A motion to correct and change an erroneous reference of a bill is not subject to debate or amendment.—Journal, 2, 53, p. 202; Rule XXII, clause 3.*

*The erroneous reference of a bill to the Calendar of the House presents a privileged question in like manner as the erroneous reference to a committee.—Journal, 2, 50, p. 534.*

## BUSINESS ON THE SPEAKER'S TABLE.

*Business on the Speaker's table shall be disposed of as follows :*

*Messages from the President shall be referred to the appropriate committees without debate. Reports and communications from the heads of Departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by Members; but House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House, and not required to be considered in Committee of the Whole, be disposed of in the same manner on motion directed to be made by such committee.—Rule XXIV, clause 2.*

There is no distinction between public and private Senate bills on the Speaker's table if they otherwise come within the rule.—*Journal*, 1, 51, p. 951.

See ruling as to reference of silver coinage bill (H. R. 5381) with amendments of the Senate.—*Journal*, 1, 51, pp. 758, 759, 760.

## BUSINESS, PRIORITY OF.

*All questions relating to the priority of business shall be decided by a majority without debate.—Rule XXV.*

A motion relative to the order of the business of the House can not be laid on the table, but must be voted on without debate.—*Journal* 2, 45, p. 1221.

The reception of a message from the Senate or from the President is not the transaction of business.—*Record*, 1, 49, p. 7243. It is the practice to suspend the pending business of the House to receive such messages whenever presented.

Decision by the Chair on a question of order was held to be such intervening business as would authorize the repetition of a motion to adjourn.—*Journal*, 2, 53, p. 330.

The refusal of the House to agree to a motion to fix the day to which the House shall adjourn constitutes business in a parliamentary sense.—*Journal*, 2, 48, p. 430.

#### BUSINESS UNFINISHED.

*The consideration of the unfinished business in which the House may be engaged at an adjournment, except business in the morning hour, shall be resumed as soon as the business on the Speaker's table is finished, and at the same time each day thereafter until disposed of, and the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules.*—Rule XXIV, clause 3.

Unfinished business takes precedence over other business of the same class, and this rule applies as well in Committee of the Whole as in the House.

Private business unfinished at the adjournment on one Friday takes precedence over other private business which may be reported from the Committee of the Whole House on the succeeding Friday; and both have precedence over the motion to resolve into Committee of the Whole House.—*Journal*, 1, 51, p. 344. It was further held that pension bills would be within the purview of the foregoing ruling.—*Journal*, 1, 54, pp. 365, 367.

District of Columbia business unfinished at the adjournment on a second or a fourth Monday does not necessarily take precedence over other District business on the next "District" day; it being in the discretion of the committee, under the rule, to present such business as they may see fit.

When the House adjourns pending a motion to suspend the rules, it is the usage to recognize the mover to renew the motion on the day when suspension of the rules is next in order, and to consider such motion as *quasi* unfinished business. But when the House has on two successive *suspension days* adjourned pending such motion, and without seconding it as required by the rule, it will not continue unfinished business and be given precedence over other motions to suspend the rules which the Chair may see proper to entertain.—*Journal*, 2, 52, p. 122.

The question of consideration can not be demanded against unfinished business on which the yeas and nays have been pre-

viously ordered but which, by reason of an adjournment, were not taken.—*Journal*, 1, 51, p. 941.

The House having adjourned after the yeas and nays are ordered the calling of the roll is unfinished business which on the next day has precedence over a special order.—*Journal*, 1, 51, p. 941.

Unfinished business, question of, how determined.—*Journal*, 1, 51, p. 989.

#### UNFINISHED AT THE END OF THE SESSION.

*All business before committees of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress in the same manner as if no adjournment had taken place.*—Rule XXVII.

#### CALENDARS.

*There shall be three calendars of business reported from committees, viz:*

*First. A Calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue, general appropriation bills, and bills of a public character directly or indirectly appropriating money or property;*

*Second. A House Calendar, to which shall be referred all bills of a public character not raising revenue nor directly or indirectly appropriating money or property; and*

*Third. A Calendar of the Committee of the Whole House, to which shall be referred all bills of a private character.*—Rule XIII, clause 1.

*Provided, That bills reported adversely shall be laid on the table, unless the committee reporting a bill, at the time, or any member within three days thereafter, shall request its reference to the Calendar, when it shall be referred as provided in clause 1 of this rule.*—Rule XIII, clause 2.

These calendars contain the titles of the bills in the order in which they are reported, the number of the report, the name of the Member reporting, and the committee from which the bill is reported. They are edited, prepared, and indexed by the tally clerk, and are issued in pamphlet form semiweekly, on Mondays and Fridays. There are printed in the same pam-

phlet lists of privileged reports, special orders, statements of business on the Speaker's table, and unfinished business, which are sometimes designated as calendars, though strictly not included in that term as applied in the rules.

The erroneous reference of a bill to the Calendar of the House presents a privileged question in like manner as the erroneous reference to a committee.—*Journal*, 2, 50, p. 534.

It was held that where a privileged proposition is not dependent upon the right of the committee to report at any time, reference to the Calendar does not destroy its privileged character.—*Journal*, 2, 53, pp. 53, 54.

#### CALL OF COMMITTEES.

*After the unfinished business has been disposed of, the Speaker shall call each standing committee in regular order, and then select committees, and each committee when named may call up for consideration any bill reported by it on a previous day and on the House Calendar, and if the Speaker shall not complete the call of the committees before the House passes to other business, he shall resume the next call where he left off, giving preference to the last bill under consideration: Provided, That whenever any committee shall have occupied the morning hour on two days, it shall not be in order to call up any other bill until the other committees have been called in their turn.*

*After one hour shall have been devoted to the consideration of bills called up by committees, it shall be in order, pending consideration or discussion thereof, to entertain a motion to go into Committee of the Whole House on the state of the Union, or, when authorized by a committee, to go into the Committee of the Whole House on the state of the Union to consider a particular bill, to which motion one amendment only, designating another bill, may be made; and if either motion be determined in the negative, it shall not be in order to make either motion again until the disposal of the matter under consideration or discussion.—Rule XXIV, clauses 4, 5.*

This is now the only "call of committees," reports of Committees being filed with the Clerk except when reported under clause 57, Rule XI.



When a bill is being considered during this hour, it is subject to all parliamentary motions, including motions to postpone, to adjourn, etc., in like manner as if considered at any other time.

#### CALL OF THE HOUSE.

*In the absence of a quorum, fifteen Members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent Members, and in all calls of the House the doors shall be closed, the names of the Members shall be called by the Clerk, and the absentees noted; and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured and retained; and the House shall determine upon what condition they shall be discharged. Members who voluntarily appear shall, unless the House otherwise direct, be immediately admitted to the hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present.—Rule XV, clause 2.*

*Whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause, unless the House shall adjourn, there shall be a call of the House, and the Sergeant-at-Arms shall forthwith proceed to bring in absent Members, and the yeas and nays on the pending question shall at the same time be considered as ordered. The Clerk shall call the roll, and each Member as he answers to his name may vote on the pending question, and, after the roll call is completed, each Member arrested shall be brought by the Sergeant-at-Arms before the House, whereupon he shall be noted as present, discharged from arrest, and given an opportunity to vote and his vote shall be recorded. If those voting on the question and those who are present and decline to vote shall together make a majority of the House, the Speaker shall declare that a quorum is constituted, and the pending question shall be decided as the majority of those voting shall appear. And thereupon further proceedings under the call shall be considered as dispensed with. At any time after the roll call has been completed, the Speaker may entertain a*

*motion to adjourn, if seconded by a majority of those present, to be ascertained by actual count by the Speaker; and if the House adjourns, all proceedings under this section shall be vacated. But this section of the rule shall not apply to the sessions of Friday night, until further order of the House.—Rule XV, clause 4.*

A call of the House may be moved before the Journal is read if no quorum is present.—*Journal, 1, 34, p. 1253.*

The yeas and nays may be demanded on questions arising during a call of the House in like manner as on other occasions.—*Journal, 1, 46, p. 376.*

A quorum is never required to decide any question incidental to a call of the House.—*Journal, 2, 52, p. 77; 2, 53, p. 177.*

A motion to dispense with proceedings under the call is not in order pending the motion that the Sergeant-at-Arms take into custody absent Members.—*Journal, 1, 44, p. 1492.*

A motion for a call of the House may be repeated or renewed although the House has just dispensed with further proceedings under a former call.—*Record, 1, 50, pp. 1465–1469.*

The failure of a quorum being disclosed, a resolution directing the Sergeant-at-Arms to enforce the provisions of section 40 of the Revised Statutes, relative to deduction from compensation of Members on account of absence, was held not in order as a proceeding to compel attendance of absent Members.—*Journal, 1, 51, p. 1025.*

The order for arrest is usually in this form, viz: "That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its Members as are now absent without the leave of the House;" and, upon its adoption, a warrant, under the hand of the Speaker and seal of the House and attested by the Clerk, with a list of absentees thereto attached, is placed in the hands of the Sergeant-at-Arms. Upon his appearance with Members under arrest, he is announced at the bar of the House by the Doorkeeper, whereupon he makes his return.

During a call of the House, it is not in order to take a recess.—*Journal, 1, 26, p. 843; 1, 48, p. 618.* No motion, except to adjourn or with reference to the call, is in order or ever entertained during a call of the House.

Pending the call of absentees for excuses, a motion to adjourn is in order.—*Journal*, 2, 53, p. 69.

An adjournment terminates proceedings under a call of the House unless otherwise ordered by the House.—*Journal*, 2, 27, p. 672; *Record*, 2, 48, p. 2173. The House may, however, by resolution, continue in force beyond an adjournment the order that the Sergeant-at-Arms take into custody and bring to the bar absent Members, and may make such order returnable on a day subsequent to the day of adjournment.—*Journal* 1, 30, pp. 1034, 1035; *Journal*, 1, 52, pp. 166, 167.

#### CAPITOL.

*The Speaker shall have general control, except as provided by rule or law, of the Hall of the House and of the corridors and passages, and the disposal of the unappropriated rooms in that part of the Capitol assigned to the use of the House until further order.*—See Rule 1, clause 3.

Each House has exclusive control and jurisdiction of the corridors in its own wing of the Capitol, and a proposed resolution directing the officers of the House to remove obstructions from the corridors of the Senate wing is against order.—*Journal*, 2, 50, p. 770.

For laws relating to the use, care, protection, and repair of the Capitol, see *R. S.*, secs. 5, 1814 to 1826, inclusive, as amended by the following subsequent legislation:

No work of art or manufacture not the property of the United States shall be exhibited in the Capitol, nor shall any room in the Capitol be used for private studios or works of art, without permission from the Joint Committee on the Library, given in writing; and it shall be the duty of the Architect of the Capitol Extension to carry these provisions into effect.—18 *Stat. L.*, p. 376; *Ibid.*, vol. 20, p. 391.

Hereafter all changes and improvements in the grounds, including approaches to the Capitol, shall be estimated for in detail, showing what modifications are proposed and the estimate cost of the same.—22 *Stat. L.*, p. 621.

Hereafter, whenever a member of the Capitol police or watch force is suspended from duty for cause, said policeman or

watchman shall receive no compensation for the time of such suspension if he shall not be reinstated.—18 *Stat. L.*, p. 345.

Hereafter the electrician, together with everything pertaining to the electrical machinery and apparatus, and all laborers and others connected with the lighting, heating, and ventilating of the House, shall be subject exclusively to the orders and in all respects under the direction of the Architect of the Capitol, subject to the control of the Speaker; and no removal or appointment shall be made except with his approval.—21 *Stat. L.*, p. 388.

**ABSTRACT OF LEGISLATION RELATIVE TO CAPITOL BUILDING.**

Constitution, Article I, section 8: The Congress shall have power \* \* \* “to exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may by cession of particular States and the acceptance of Congress become the seat of government of the United States.”

Act approved July 16, 1790 (1 *Stat. L.*, p. 130).

SEC. 1. That a district not exceeding ten miles square \* \* \* be, and the same is hereby, accepted for the permanent seat of government.

SEC. 2. Commissioners authorized to be appointed to locate and define said district, and empowered to accept donations of land for the use of the Government.

SEC. 3. Commissioners shall, prior to the first Monday in December, 1800, provide suitable buildings for the accommodation of Congress.

SEC. 4. President authorized to accept grants of money for defraying expense of buildings.

SEC. 5. The seat of government to be removed to said district prior to December, 1800.

Act approved April 24, 1800 (2 *Stat. L.*, p. 55): For the suitable accommodation of Congress at the city of Washington the four Secretaries of Executive Departments are directed to provide forthwith suitable furniture for “the apartments which are to be occupied by the two Houses, respectively, \* \* \* and for the offices and committee rooms of each.”

Act approved January 25, 1805 (*2 Stat. L., p. 311*): Appropriation made to complete south wing and to alter and repair north wing of Capitol.

Act approved April 21, 1806 (*2 Stat. L., p. 397*): Appropriation made for completing south wing.

Act approved March 3, 1807 (*2 Stat. L., p. 432*): Appropriation made for finishing south wing of the Capitol, and "for furnishing the same for the accommodation of the House of Representatives."

Act approved May 2, 1828 (*4 Stat. L., p. 266*): "It shall be his" (Commissioner of Public Buildings) "duty to obey such rules and regulations as may be from time to time prescribed by the presiding officer of either House of Congress, for the care, preservation, orderly keeping, and police of those portions of the Capitol and its appurtenances which are in the exclusive use and occupation of either House of Congress, respectively."

Civil and diplomatic act approved September 30, 1850 (*9 Stat. L., p. 538*), contains an item of appropriation: "For extension of the Capitol according to such plan as may be approved by the President of the United States." [This act appears to be the only legislative step taken toward authorizing the erection of the wings now occupied by the House and Senate. A great number of appropriations "for extension of the Capitol" are made in the several appropriation acts subsequently passed, but no dedication of the added space is made, by express enactment, to the use of either House.]

Act approved March 2, 1867 (*14 Stat. L., p. 466*), abolishes the office of Commissioner of Public Buildings and transfers his duties to the Chief Engineer of the Army, except as otherwise provided by law.

Act approved August 15, 1876 (*19 Stat. L., p. 147*), provides, "That the Architect of the Capitol shall have the care and superintendence of the Capitol, including lighting. \* \* \* *And provided further*, That all the duties relative to the Capitol building heretofore performed by the Commissioner of Public Buildings and Grounds shall hereafter be performed by the Architect of the Capitol, whose office shall be in the Capitol

building.” [By virtue of the provision of this act the duty of the care, preservation, and orderly keeping of the south wing of the Capitol, under regulations prescribed by the Speaker, devolves upon the Architect of the Capitol. (*See act of May 2, 1828, supra.*) The fact that the office of Commissioner of Public Buildings and Grounds had been abolished by the act of March 2, 1867, it will be seen, is not material, the duties in the premises which he had “heretofore performed” being now expressly assigned to the Architect.]

The authority to prescribe rules and regulations for the “care, preservation, and orderly keeping” of that portion of the Capitol and appurtenances in the exclusive use and occupation of the House of Representatives, rests with the Speaker, and the Architect is required by law to enforce his orders in the premises.

#### ROOMS IN THE HOUSE WING OF THE CAPITOL.

May 21, 1842 (*Journal 1, 18, p. 558*): A joint committee on the distribution of the rooms in the center of the Capitol made a report assigning certain rooms to the Senate, the House, and the Supreme Court, respectively.

Thereupon the following was agreed to by the House:

“*Resolved by the Senate and House of Representatives in Congress assembled, That the distribution of the rooms in the center building of the Capitol be made agreeably to the above report.*”

It was then resolved by the House: “That a committee be appointed to make distribution of the rooms in the Capitol appropriated to the use of the House of Representatives.”

May 26, 1824 (*1, 18, pp. 593, 594*): The above-mentioned committee made a report assigning rooms to the several committees and officers of the House, and providing that “The unappropriated rooms shall be subject to the order and disposal of the Speaker until the further order of the House.”

March 18, 1867 (*1, 40, p. 57*): A concurrent resolution was agreed to by the House amending the nineteenth joint rule so as to prohibit the sale of liquors in the Capitol building.

March 25, 1867 (*1, 40, p. 108*): A resolution was agreed to by the House, that in consideration of the changes made in the privileges of the keeper of the House restaurant, “the

Clerk be authorized to cancel the contract with William Smelt and receive new bids for the privilege of keeping said restaurant."

December 4, 1867 (2, 40, p. 32): A resolution permitting James Penny to resume his surrendered contract for keeping the House restaurant, and be allowed to sell small beer and malt liquors, \$200 to be paid by him for the privileges, was referred to the Committee on Rules.

The following order was then made:

*"Ordered*, That the Clerk of the House be directed to suspend the letting of the contract for keeping the House restaurant until the Committee on Rules have reported on the resolution just referred to it."

December 16, 1867 (2, 40, p. 111): The following resolution was reported by the Committee on Rules and agreed to, viz:

*"Resolved*, That the subject of leasing the restaurant and prescribing the rules under which it shall be kept is hereby committed to the Committee on Revisal and Unfinished Business, with full power to make such regulations as may to them seem expedient; and all resolutions heretofore passed relating thereto are hereby repealed."

April 8, 1869 (1, 41, p. 201): The following was agreed to by the House:

*"Resolved*, That the House restaurant be placed in charge of the Committee on Public Buildings and Grounds, with the same powers heretofore possessed by the Committee on Revisal and Unfinished Business."

The last-mentioned resolution of April 8, 1869, could only bind the House for that, the Forty-first Congress. It has since been the practice, however, for the Committee on Public Buildings and Grounds in each succeeding Congress to assume jurisdiction of the restaurant, and elect a keeper thereof, without further warrant or authority from the House, which action has been acquiesced in by the House.

#### CHAPLAIN.

*The Chaplain shall attend at the commencement of each day's sitting of the House and open the same with prayer.*—Rule VII.

The practice which had prevailed for several years, of the

election by each House of a Chaplain, who should open their daily sessions with prayer, alternating weekly between the House and Senate, was suspended during the Thirty-fifth Congress. At the first session of that Congress a resolution was adopted by the House, which directed "that the daily sessions of that body be opened with prayer, and requesting the ministers of the gospel in this city to attend and alternately perform this solemn duty."—*Journal*, 1, 35, p. 58. The clergymen of Washington generally responded to this request, and for the remainder of the Congress performed the duty of chaplains. At the first session of the Thirty-sixth Congress the old practice of the election of a Chaplain by each House was revived, and it was at that time decided that a proposition to proceed to such election presented a question of privilege.—*Journal*, 1, 36, pp. 442, 443.

**CHARITIES AND REFORMATORY INSTITUTIONS IN THE DISTRICT OF COLUMBIA. JOINT COMMITTEE TO INVESTIGATE.**

(*See Committees.*)

**CHARTS OF COAST SURVEY.**

Each Member and Delegate is entitled to ten charts of the coast survey for each regular session of Congress. (28 *Stat. L.*, p. 620.)

**CLAIMS.**

*No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on Private Land Claims, and to the Committee on Accounts.*—Rule XXI, clause 4.

**CLAIMS, ADJUDICATED AND ALLOWED.**

The Secretary of the Treasury shall, at the commencement of each session of Congress, report the amount due each claimant whose claim has been allowed in whole or in part to the Speaker of the House of Representatives and the presiding officer of the Senate, who shall lay the same before their respective Houses for consideration.—*Sess. Laws*, 1, 48, p. 254, act of July 7, 1884.

**CLAIM AGENTS.**

*No person shall be an officer of the House, or continue in its employment, who shall be an agent for the prosecution of any*



**CLAIM AGENTS—Continued.**

*claim against the Government, or be interested in such claim otherwise than as an original claimant; and it shall be the duty of the Committee on Accounts to inquire into and report to the House any violation of this rule.—Rule XLIII.*

Every officer of the United States, or person holding any place of trust or profit, or discharging any official function under, or in connection with, any Executive Department of the Government of the United States, or under the Senate or House of Representatives of the United States, who acts as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, aids or assists in the prosecution or support of any such claim, or receives any gratuity, or any share of or interest in any claim, from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall pay a fine of not more than five thousand dollars, or suffer imprisonment not more than one year, or both.—*R. S., sec. 5498.*

**CLAIMS, COMMITTEE ON.**

*(See Committees.)*

**CLAIMS, COURT OF.**

*All motions or propositions \* \* \* referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.—Rule XXIII, clause 3.*

The Court of Claims was established by act of February 24, 1855.—*10 Stat. L., p. 612.*

The act of July 4, 1864 (*Stat., vol. 13, p. 381*), restricted the jurisdiction of the Court of Claims in respect to war claims, and provided that claims for quartermasters' stores, etc., should be submitted to the Quartermaster-General.

These claims are reported on by the Quartermaster-General to Congress, and referred to the Committee on War Claims, which committee usually reports a bill for their payment.

Members of either House of Congress shall not practice in the Court of Claims.—*R. S., 1058.*

All petitions and bills praying or providing for the satisfaction of private claims against the Government, founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, shall, unless otherwise ordered by resolution of the House in which they are introduced, be transmitted by the Secretary of the Senate or the Clerk of the House of Representatives, with all the accompanying documents, to the Court of Claims.—*R. S., sec 1060.*

The said court shall have power to call upon any of the Departments for any information or papers it may deem necessary, and shall have the use of all recorded and printed reports made by the committees of each House of Congress, when deemed necessary, in the prosecution of its business. But the head of any Department may refuse and omit to comply with any call for information or papers when, in his opinion, such compliance would be injurious to the public interest.—*R. S., sec. 1076.*

#### JURISDICTION OF.

By the act of February 24, 1855, and subsequent acts, the jurisdiction of the court was established, and is prescribed in the Revised Statutes of 1878, as follows:

**SEC. 1059.** The Court of Claims shall have jurisdiction to hear and determine the following matters:

**First.** All claims founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, and all claims which may be referred to it by either House of Congress.

**Second.** All set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever, on the part of the Government of the United States against any person making claim against the Government in said court.

**Third.** The claim of any paymaster, quartermaster, commissary of subsistence, or other disbursing officer of the United States, or of his administrators or executors, for relief from responsibility on account of capture or otherwise, while in the line of his duty, of Government funds, vouchers, records, or papers in his charge, and for which such officer was and is held responsible.

**Fourth.** Of all claims for the proceeds of captured or abandoned property, as provided by the act of March 12, 1863, chapter 120, entitled "An act to provide for the collection of abandoned property and for the pre-

**JURISDICTION—Continued.**

vention of frauds in insurrectionary districts within the United States, or by the act of July 2, 1864, chapter 225, being an act in addition thereto *Provided*, That the remedy given in cases of seizure under the said act by preferring claim in the Court of Claims, shall be exclusive, precluding the owner of any property taken by agents of the Treasury Department as abandoned or captured property in virtue or under color of said act from suit at common law, or any other mode of redress whatever, before any court other than said Court of Claims: [*Provided also*, That the jurisdiction of the Court of Claims shall not extend to any claim against the United States growing out of the destruction or appropriation of, or damage to, property by the Army or Navy engaged in the suppression of the rebellion.]

Additional jurisdiction was conferred upon the Court of Claims by acts passed subsequently to the Revised Statutes as follows:

**THE BOWMAN ACT.**

The act (commonly known as the "Bowman Act"), approved March 3, 1883 (22 *Stats.*, p. 485), entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government" provides—

That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found, the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for its consideration.

SEC. 2. That when a claim or matter is pending in any of the Executive Departments which may involve controverted questions of fact or law, the head of such Department may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said court, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall not enter judgment thereon, but shall report its findings and opinions to the Department by which it was transmitted for its guidance and action.

SEC. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction or damage to property by the Army and Navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by any part of the military or naval forces of the United States in the operations of said

BOWMAN ACT—Continued.

forces during the said war at the seat of war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States.

SEC. 4. In any case of a claim for supplies or stores taken by or furnished to any part of the military or naval forces of the United States for their use during the late war for the suppression of the rebellion, the petition shall aver that the person who furnished such supplies or stores, or from whom such supplies or stores were taken, did not give any aid or comfort to said rebellion, but was throughout that war loyal to the Government of the United States, and the fact of such loyalty shall be a jurisdictional fact; and unless the said court shall, on a preliminary inquiry, find that the person who furnished such supplies or stores, or from whom the same were taken as aforesaid, was loyal to the Government of the United States throughout said war, the court shall not have jurisdiction of such cause, and the same shall, without further proceedings, be dismissed.

SEC. 5. That the Attorney-General, or his assistants, under his direction, shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under this act, with the same power to interpose counterclaims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses, in like manner as he is now required to defend the United States in said court.

SEC. 6. That in the trial of such cases no person shall be excluded as a witness because he or she is a party to or interested in the same.

SEC. 7. That reports of the Court of Claims to Congress under this act, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon.

NOTE.—This act provides that when any claim or matter is pending before either House of Congress or any committee which involves the investigation and determination of facts, the same may be transmitted to the Court of Claims for hearing. When the facts are found, the same are reported to the House or to the committee from which the case was transmitted for its consideration. No judgment is entered, no conclusions of law made, and no opinion is given, nor is the evidence returned. All that is reported back is the findings of fact.

The same act authorizes the head of any Executive Department to transmit to the court any claim or matter involving controverted questions of fact or law, requiring the court to find the facts and its conclusions of law, and to render an opinion; all of which is to be reported to the Department, for its guidance and action.

This act does not alter or affect the preexisting judicial functions and jurisdiction of the court to hear, determine, and enter judgment in cases enumerated in Revised Statutes, § 1059. As no judgments are entered in cases under the Bowman Act there is no right of appeal, as in other cases within the jurisdiction of the court.

CASES REFERRED, DISMISSED, PENDING, AND ALLOWED UNDER THE BOWMAN ACT.

The following table shows the number of cases transmitted by Congress under the Bowman Act:

1884 .....	217
1885 .....	177
1886 .....	858
1887 .....	786
1888 .....	4, 562
1889 .....	632
1890 .....	866
1891 .....	405
1892 .....	724
Since November 1, 1892, to January 17, 1893.....	4
<hr/>	
Total number referred to the court.....	9, 231
Total number pending January 17, 1893.....	7, 804

Table showing number of Bowman Act cases tried in the Court of Claims, amount claimed in cases tried, number dismissed, etc.

Year.	Cases tried.		Cases dismissed.		Cases in which findings favorable to claimant made.	Amount claimed in cases where favorable findings on loyalty.	Amount allowed in cases reported to Congress.
	Num-ber.	Amount claimed.	Num-ber.	Amount claimed.			
1884.....	4	\$87, 195. 00	4	\$87, 195. 00	.....	.....	.....
1885.....	5	310, 004. 00	.....	.....	.....	.....	\$945. 00
1886.....	84	776, 865. 00	41	362, 000. 00	43	\$404, 000. 00	231, 425. 00
1887.....	147	1, 260, 000. 00	34	670, 000. 00	63	590, 000. 00	169, 672. 00
1888.....	278	2, 704, 824. 75	144	1, 625, 233. 14	134	1, 079, 591. 31	237, 930. 13
1889.....	279	1, 488, 752. 49	161	780, 796. 04	118	707, 956. 45	105, 600. 10
1890.....	144	998, 259. 82	81	345, 996. 83	53	619, 596. 79	103, 444. 29
1891.....	150	1, 815, 625. 00	58	275, 155. 23	81	636, 216. 89	274, 750. 04
1892.....	248	2, 583, 939. 41	75	356, 611. 57	158	1, 358, 138. 19	485, 546. 36
1893.....	386	2, 079, 781. 47	220	998, 617. 81	159	598, 084. 16	245, 350. 84
Since Novem-ber 1, 1893....	239	\$92, 245. 61	80	.....	159	.....	147, 093. 61
Total ...	1, 962	15, 085, 492. 55	898	7, 054, 654. 96	968	6, 193, 533. 79	1, 602, 342. 91

Congress has appropriated the following amounts to pay claims allowed under the provisions of the Bowman Act, to wit:

Forty-ninth Congress .....	\$8, 627. 98
Fiftieth Congress .....	119, 510. 75

<b>Fifty-first Congress</b> .....	\$573, 763. 30
<b>Fifty-second Congress</b> .....	597. 00
<b>Fifty-third Congress</b> .....	48, 528. 38
<b>Total</b> .....	751, 027. 41

**THE TUCKER ACT.**

The act "to provide for the bringing of suits against the Government of the United States" (commonly known as the "Tucker Act," second session Forty-ninth Congress), approved March 3, 1887 (*24 Stat. L., p. 505*), provides:

That the Court of Claims shall have jurisdiction to hear and determine the following matters:

**First.** All claims founded upon the Constitution of the United States or any law of Congress, except for pensions, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable: *Provided, however,* That nothing in this section shall be construed as giving to either of the courts herein mentioned jurisdiction to hear and determine claims growing out of the late civil war, and commonly known as "war claims," or to hear and determine other claims which have heretofore been rejected or reported on adversely by any court, Department, or commission authorized to hear and determine the same.

**Second.** All set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court: *Provided,* That no suit against the Government of the United States shall be allowed under this act unless the same shall have been brought within six years after the right accrued for which the claim is made.

**SEC. 2.** That the district courts of the United States shall have concurrent jurisdiction with the Court of Claims as to all matters named in the preceding section where the amount of the claim does not exceed one thousand dollars, and the circuit courts of the United States shall have such concurrent jurisdiction in all cases where the amount of such claim exceeds one thousand dollars and does not exceed ten thousand dollars. All causes brought and tried under the provisions of this act shall be tried by the court without a jury.

**SEC. 3.** That whenever any person shall present his petition to the Court of Claims alleging that he is or has been indebted to the United States as an officer or agent thereof, or by virtue of any contract therewith, or that he is the guarantor, or surety, or personal representative of any officer, or agent, or contractor so indebted, or that he or the person for whom he is

**TUCKER ACT—Continued.**

such surety, guarantor, or personal representative has held any office or agency under the United States, or entered into any contract therewith under which it may be or has been claimed that an indebtedness to the United States has arisen and exists, and that he or the person he represents has applied to the proper Department of the Government requesting that the account of such office, agency, or indebtedness may be adjusted and settled, and that three years have elapsed from the date of such application and said account still remains unsettled and unadjusted, and that no suit upon the same has been brought by the United States, said court shall, due notice first being given to the head of said Department and to the Attorney-General of the United States, proceed to hear the parties and to ascertain the amount, if any, due the United States on said account. The Attorney-General shall represent the United States at the hearing of said cause. The court may postpone the same from time to time whenever justice shall require. The judgment of said court or of the Supreme Court of the United States, to which an appeal shall lie, as in other cases, as to the amount due, shall be binding and conclusive upon the parties. The payment of such amount so found due by the court shall discharge such obligation. An action shall accrue to the United States against such principal, or surety, or representative, to recover the amount so found due, which may be brought at any time within three years after the final judgment of said court. Unless suit shall be brought within said time, such claim and the claim on the original indebtedness shall be forever barred.

SEC. 4. That the jurisdiction of the respective courts of the United States proceeding under this act, including the right of exception and appeal, shall be governed by the law now in force, in so far as the same is applicable and not inconsistent with the provisions of this act; and the course of procedure shall be in accordance with the established rules of said respective courts, and of such additions and modifications thereof as said courts may adopt.

SEC. 5. That the plaintiff in any suit brought under the provisions of the second section of this act shall file a petition, duly verified, with the clerk of the respective court having jurisdiction of the case, and in the district where the plaintiff resides. Such petition shall set forth the full name and residence of the plaintiff, the nature of his claim, and a succinct statement of the facts upon which the claim is based, the money or any other thing claimed, or the damages sought to be recovered, and praying the court for a judgment or decree upon the facts and law.

SEC. 6. That the plaintiff shall cause a copy of his petition filed under the preceding section to be served upon the district attorney of the United States in the district wherein suit is brought, and shall mail a copy of the same, by registered letter, to the Attorney-General of the United States, and shall thereupon cause to be filed with the clerk of the court wherein suit is instituted an affidavit of such service and the mailing of such letter. It shall be the duty of the district attorney upon whom service of petition is made as aforesaid, to appear and defend the interests of the Government in the suit, and within sixty days after the service of the



**TUCKER ACT—Continued.**

**P**etition upon him, unless the time should be extended by order of the **C**ourt made in the case, to file a plea, answer, or demurrer on the part of the **G**overnment, and to file a notice of any counterclaim, set-off, claim for **d**amages, or other demand or defense whatsoever of the Government in the **p**remises: *Provided*, That should the district attorney neglect or refuse to **f**ile the plea, answer, demurrer, or defense as required, the plaintiff may **p**roceed with the case under such rules as the court may adopt in the **p**remises; but the plaintiff shall not have judgment or decree for his claim, or any part thereof, unless he shall establish the same by proof satisfactory to the court.

**SEC. 7.** That it shall be the duty of the court to cause a written opinion to be filed in the cause, setting forth the specific findings by the court of the facts therein and the conclusions of the court upon all questions of law involved in the case, and to render judgment thereon. If the suit be in equity or admiralty, the court shall proceed with the same according to the rules of such courts.

**SEC. 8.** That in the trial of any suit brought under any of the provisions of this act no person shall be excluded as a witness because he is a party to or interested in said suit; and any plaintiff or party in interest may be examined as a witness on the part of the Government.

Section ten hundred and seventy-nine of the Revised Statutes is hereby repealed. The provisions of section ten hundred and eighty of the Revised Statutes shall apply to cases under this act.

**SEC. 9.** That the plaintiff or the United States, in any suit brought under the provisions of this act, shall have the same rights of appeal or writ of error as are now reserved in the statutes of the United States in that behalf made, and upon the conditions and limitations therein contained. The modes of procedure in claiming and perfecting an appeal or writ of error shall conform in all respects, and as near as may be, to the statutes and rules of court governing appeals and writs of error in like causes.

**SEC. 10.** That when the findings of fact and the law applicable thereto have been filed in any case as provided in section six of this act, and the judgment or decree is adverse to the Government, it shall be the duty of the district attorney to transmit to the Attorney-General of the United States certified copies of all the papers filed in the cause, with a transcript of the testimony taken, the written findings of the court, and his written opinion as to the same; whereupon the Attorney-General shall determine and direct whether an appeal or writ of error shall be taken or not; and when so directed the district attorney shall cause an appeal or writ of error to be perfected in accordance with the terms of the statutes and rules of practice governing the same: *Provided*, That no appeal or writ of error shall be allowed after six months from the judgment or decree in such suit. From the date of such final judgment or decree interest shall be computed thereon, at the rate of four per centum per annum, until the time when an appropriation is made for the payment of the judgment or decree.

**SEC. 11.** That the Attorney-General shall report to Congress, and at the



**TUCKER ACT—Continued.**

beginning of each session of Congress, the suits under this act in which a final judgment or decree has been rendered, giving the date of each, and a statement of the costs taxed in each case.

SEC. 12. That when any claim or matter may be pending in any of the Executive Departments which involves controverted questions of fact or law, the head of such Department, with the consent of the claimant, may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said Court of Claims, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall report its findings to the Department by which it was transmitted.

SEC. 13. That in every case which shall come before the Court of Claims, or is now pending therein, under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March third, eighteen hundred and eighty-three, if it shall appear to the satisfaction of the court, upon the facts established, that it has jurisdiction to render judgment or decree thereon under existing laws or under the provisions of this act, it shall proceed to do so, giving to either party such further opportunity for hearing as in its judgment justice shall require, and report its proceedings therein to either House of Congress or to the Department by which the same was referred to said court.

SEC. 14. That whenever any bill, except for a pension, shall be pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may refer the same to the Court of Claims, who shall proceed with the same in accordance with the provisions of the act approved March third, eighteen hundred and eighty-three, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy.

SEC. 15. If the Government of the United States shall put in issue the right of the plaintiff to recover, the court may, in its discretion, allow costs to the prevailing party from the time of joining such issue. Such costs, however, shall include only what is actually incurred for witnesses, and for summoning the same, and fees paid to the clerk of the court.

SEC. 16. That all laws and parts of laws inconsistent with this act are hereby repealed.

It was held to be in accordance with the practice of the House and competent for the Committee on War Claims to

Report a resolution referring to the Court of Claims for findings of facts a number of independent bills providing for the payment of separate and distinct claims of different individuals against the Government.—*Record*, 2, 53, p. 5286.

After a claim has been dismissed for want of jurisdiction in a case under the Bowman Act either of the Houses of Congress may refer it under the Tucker Act.—26 *C. Cls. R.*, *Farrar v. United States*, p. 151.

#### INDIAN DEPREDAATION CLAIMS.

By the act of March 3, 1891 (26 Stat. L., 851), jurisdiction was conferred on the Court of Claims to adjudicate—

First. All claims for property of citizens of the United States taken or destroyed by Indians belonging to any band, tribe, or nation in amity with the United States, without just cause or provocation on the part of the owner or agent in charge, and not returned or paid for.

Second. Such jurisdiction shall also extend to all cases which have been examined and allowed by the Interior Department.

And also to such cases as were authorized to be examined under the act of Congress making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes, approved March 3, 1885, and under subsequent acts, subject, however, to the limitations hereinafter provided.

By section 11 of said act it is provided that all papers, reports, evidence, records, and proceedings now on file or of record in any of the Departments, or the office of the Secretary of the Senate, or the office of the Clerk of the House of Representatives, or certified copies of the same, relating to any claims authorized to be prosecuted under this act, shall be furnished to the court upon its order, or at the request of the Attorney-General.

#### REPORTS FROM.

On the first day of every December session of Congress the clerk of the Court of Claims shall transmit to Congress a full and complete statement of all the judgments rendered by the court during the previous year, stating the amounts thereof and the parties in whose favor they were rendered, together with a brief synopsis of the nature of the claims upon which they were rendered. And at the end of every term of the court he shall transmit a copy of its decisions to the heads of Departments; to the Solicitor, the Comptrollers, and the

**REPORTS FROM—Continued.**

Auditors of the Treasury; to the Commissioners of the General Land Office and of Indian Affairs; the chiefs of bureaus, and to other officers charged with the adjustment of claims against the United States.—*R. S., sec. 1057.*

Sections 7, 8, and 9 of the act of February 24, 1855, establishing the Court of Claims, are as follows:

**SEC. 7.** That said court shall keep a record of their proceedings, and shall, at the commencement of each session of Congress, and at the commencement of each month during the session of Congress, report to Congress the cases upon which they shall have finally acted, stating in each the material facts which they find established by the evidence, with their opinion in the case, and the reasons upon which such opinion is founded. Any judge who may dissent from the opinion of the majority shall append his reasons for such dissent to the report; and such report, together with the briefs of the Solicitor and of the claimant, which shall accompany the report, upon being made to either House of Congress, shall be printed in the same manner as other public documents. And said court shall prepare a bill or bills in those cases which shall have received the favorable decision thereof, in such form as, if enacted, will carry the same into effect. And two or more cases may be embraced in the same bill, where the separate amount proposed to be allowed in each case shall be less than one thousand dollars. And the said court shall transmit with said reports the testimony in each case, whether the same shall receive the favorable or adverse action of said court.

**SEC. 8.** *And be it further enacted,* That said reports and the bills reported as aforesaid shall, if not finally acted upon during the session of Congress to which the said reports are made, be continued from session to session and from Congress to Congress until the same shall be finally acted upon; and the consideration of said reports and bills shall, at the subsequent session of Congress, be resumed, and the said reports and bills be proceeded with in the same manner as though finally acted upon at the session when presented.

**SEC. 9.** *And be it further enacted,* That the claims reported upon adversely shall be placed upon the Calendar when reported, and if the decision of said court shall be confirmed by Congress, said decision shall be conclusive; and the said court shall not at any subsequent period consider said claims, unless such reasons shall be presented to said court as, by the rules of common law or chancery in suits between individuals, would furnish sufficient ground for granting a new trial.

On the 16th of May, 1856 (first session Thirty-fourth Congress), the House adopted the following rule, viz:

Bills and their accompanying reports from the Court of Claims shall be referred by the Clerk of the House to the Committee of Claims; and it

**REPORTS FROM—Continued.**

shall be in order every Friday morning, immediately after reading the Journal, for the Committee of Claims to report with reference to business from the Court of Claims; the bills reported to be printed and placed on the Private Calendar.

Under this rule the bills so reported were given a number distinct from House bills and were placed at the head of the Private Calendar.

That rule was changed in the Thirty-sixth Congress so as to read as follows, viz:

“The bills from the Court of Claims shall, on being laid before the House, be read a first and second time, committed to a Committee of the Whole House, and, together with the accompanying reports, printed.” (*See Journal 1, 36, p. 533.*)

In the revision made by the Forty-sixth Congress the latter rule was omitted.

The practice in the House has been when a report is received from the Court of Claims to refer it to a committee which had original jurisdiction of the matter—the Committee on War Claims or the Committee on Claims, as the case may be.—*Record, 1, 50, p. 110.*

When reported to the House from a committee, it is placed on the Calendar in the order in which it is reported, no distinction being made between bills to carry out the findings of the Court of Claims and other bills.

To continue from Congress to Congress a report of the Court of Claims undisposed of, under the provisions of the Bowman Act, it is the settled practice of the House that the preliminary steps of the introduction and reference of a bill for the payment of the claim is necessary.

Communications from the court transmitting judgments rendered against the United States are referred to the Committee on Appropriations, and provision for the payment thereof is made in the sundry civil or deficiency appropriation bills.

**CLERK OF THE HOUSE.**

*A clerk shall be elected at the commencement of each Congress, who shall continue in office until his successor is appointed—see Rule II.*

## DUTIES OF.

Presides at commencement of first session of a Congress.

Mails to Members a list of official reports.

Notes questions of order on Journal.

Distributes documents, attests bills, writs, etc.

Makes contracts for House of Representatives.

Keeps account of disbursements and of Members' stationery.

Pays salaries to officers and employés.—*See Rule III.*

Respecting other duties of the Clerk and his appointees—see *Rule XIII, clause 2, Rule XXII, clause 1, Rule XXXVIII.*

At the first session of Congress after every general election of Representatives, the oath of office shall be administered by any Member of the House of Representatives to the Speaker; and by the Speaker to all the Members and Delegates present, and to the Clerk previous to entering on any other business, and to the Members and Delegates who afterward appear, previous to their taking their seats.—*R. S., sec. 30.*

In the case of a vacancy which occurred in the office of Clerk during the Thirty-first Congress (*see Journal, 1, 31, p. 789*), it was decided that the House could take no action upon, nor transact any other business until a Clerk was elected.

The Clerk, when presiding, has repeatedly refused to entertain motions or resolutions to amend the roll of Representatives elect, and has refused to entertain an appeal from that decision.

As soon as the Speaker has declared a person elected Clerk, the oath of office is administered to him by the Speaker, and he enters upon the duties of his office.

It is made the duty of the Clerk, within thirty days after he enters upon the duties of his office, to give bond in the penal sum of \$20,000.—*R. S., secs. 58 and 59.*

Before the first meeting of each Congress the Clerk of the next preceding House of Representatives shall make a roll of the Representatives elect, and place thereon the names of those persons, and of such persons only, whose credentials show that they were regularly elected in accordance with the laws of their States, respectively, or the laws of the United States.—*R. S., sec. 31.*

In case of a vacancy in the office of Clerk of the House of Representatives, or of the absence or inability of the Clerk to discharge the duties imposed on him by law or custom relative

to the preparation of the roll of Representatives or the organization of the House, those duties shall devolve on the Sergeant-at-Arms of the next preceding House of Representatives.—*R. S., sec. 32.*

In case of vacancies in the offices of both the Clerk and the Sergeant-at-Arms, or of the absence or inability of both to act, the duties of the Clerk relative to the preparation of the roll of the House of Representatives or the organization of the House shall be performed by the Doorkeeper of the next preceding House of Representatives.—*R. S., sec. 33.*

Representatives and Delegates elect to Congress, whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31, may receive their compensation monthly, from the beginning of their term until the beginning of the first session of each Congress, upon a certificate in the form now in use, to be signed by the Clerk of the House, which certificate shall have the like force and effect as is given to the certificate of the Speaker.—*R. S., sec. 38, and Laws, 2, 43, p. 389.*

The Clerk of the House of Representatives is authorized and directed to sign, during the recess of Congress, after the first session and until the first day of the second session, the certificates for the monthly compensation of Members and Delegates in Congress, which certificates shall be in the form now in use, and shall have the like force and effect as is given to the certificate of the Speaker.—*19 Stat. L., p. 115.*

The Clerk of the House and Secretary of the Senate are directed to procure and file, for the use of their respective Houses, copies of all reports made by each committee of all succeeding Congresses; and at the close of each session of Congress, to cause said reports to be indexed and bound, one copy to be deposited in the library of each House and one copy in the room of the committee from which the reports emanated.—*24 Stat. L., p. 346; also, vol. 28, p. 622.*

The Secretary of the Senate and the Clerk of the House of Representatives shall prepare and submit to the two Houses, respectively, at the commencement of each session of Congress, the following statements in writing:

First. A statement showing the names of all the clerks and other persons who have been, during the preceding year, or

any part thereof, employed in their respective offices, and those of the messengers of the respective Houses, together with the time that each clerk or other person and each messenger was actually employed, and the sums paid to each. This statement must also show whether such clerks or other persons, or such messengers, have been usually employed; whether the services of any of them can be dispensed with without detriment to the public service, and whether the removal of any particular persons, and the appointment of others in their stead, is required for the better dispatch of business.

Second. A detailed statement, by items, of the manner in which the contingent fund for each House has been expended during the preceding year. This statement must give the names of every person to whom any portion of the fund has been paid; and if for anything furnished, the quantity and price; and if for any services rendered, the nature of such service, and the time employed, and the particular occasion or cause, in brief, that rendered such service necessary, and the amount of all former appropriations in each case on hand, either in the Treasury or in the hands of any disbursing officer or agent.—*R. S., sec. 60.*

Each of the statements required by the preceding section shall exhibit also the several sums drawn by the Secretary and Clerk, respectively, from the Treasury, and the balances, if any remaining in their hands.—*R. S., sec. 61.*

The Secretary of the Senate and the Clerk of the House of Representatives shall each require of the disbursing officers acting under their direction or authority the return of precise and analytical statements and receipts for all moneys which may have been, from time to time, during the next preceding year, expended by them; and the results of such returns and the sums total shall be communicated annually to Congress by the Secretary and Clerk, respectively.—*R. S., sec. 62.*

All expenditures of the Senate and House of Representatives shall be made up to the end of each fiscal year, and shall be reported to Congress at the commencement of each regular session.—*R. S., sec. 63.*

The Secretary of the Senate and Clerk of the House of Representatives shall annually advertise, once a week for at least



four weeks, in one or more of the principal papers published in the District of Columbia, for sealed proposals for supplying the Senate and House of Representatives, respectively, during the next session of Congress, with the necessary stationery.—*Laws, 2, 43, p. 316.*

The advertisement published under the preceding section must describe the kind of stationery required, and must require the proposals to be accompanied with sufficient security for their performance.—*R. S., sec. 66.*

All such proposals shall be kept sealed until the day specified in such advertisement for opening the same, when the same shall be opened in the presence of at least two persons, and the contract shall be given to the lowest bidder, provided he shall give satisfactory security to perform the same, under forfeiture not exceeding double the contract price in case of failure; and in case the lowest bidder shall fail to enter into such contract and give such security within a time to be fixed in such advertisement, then the contract shall be given to the next lowest bidder, who shall enter into such contract.—*R. S., sec. 67.*

The three preceding sections shall not prevent either the Secretary or the Clerk from contracting for separate parts of the supplies of stationery required to be furnished.—*R. S., sec. 68.*

The Secretary of the Senate and the Clerk of the House of Representatives shall, in disbursing the public moneys for the use of the two Houses, respectively, purchase only articles the growth and manufacture of the United States, provided the articles required can be procured of such growth and manufacture upon as good terms as to quality and price as are demanded for like articles of foreign growth and manufacture.—*R. S., sec. 69.*

The Secretary of the Senate and the Clerk of the House of Representatives, respectively, shall report to Congress on the first day of each regular session, and at the expiration of their terms of service, a full and complete statement of all their receipts and expenditures as such officers, showing in detail the items of expense, classifying them under the proper appropriations, and also showing the aggregate thereof, and exhibiting



in a clear and concise manner the exact condition of all public moneys by them received, paid out, and remaining in their possession as such officers.—*R. S., sec. 70.*

The Secretary of the Senate and the Clerk of the House of Representatives, respectively, are entitled, for transcribing and certifying extracts from the Journal of the Senate or the Executive Journal of the Senate when the injunction of secrecy has been removed, or from the Journal of the House of Representatives, except when such transcripts are required by an officer of the United States in a matter relating to the duties of his office, to receive from the person for whom such transcripts are prepared the sum of ten cents for each sheet containing one hundred words.—*R. S., sec. 71.*

The Secretary of the Senate, the Clerk of the House of Representatives, the Sergeant-at-Arms, the Postmasters of the Senate and House of Representatives, and the Doorkeeper of the House of Representatives shall, severally, make out and return to Congress, on the first day of each regular session, and at the expiration of their respective terms of service, a full and complete account of all property belonging to the United States in their possession, respectively, at the time of returning such account.—*R. S., sec. 72.*

All petitions and bills praying or providing for the satisfaction of private claims against the Government, founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, shall, unless otherwise ordered by resolution of the House in which they are introduced, be transmitted by the Secretary of the Senate or the Clerk of the House of Representatives, with all the accompanying documents to the Court of Claims.—*R. S., sec. 1060.*

No printing or binding shall be done or blank books furnished for the House except on the written order of the Clerk.—*R. S., sec. 3789.*

The Secretary of the Senate and the Clerk of the House of Representatives shall cause to be sent to the National Home for Disabled Volunteer Soldiers at Dayton, Ohio, and to the branches at Togus in Maine, Milwaukee in Wisconsin, Hampton in Virginia, Marion in Indiana, Leavenworth in Kansas,

Santa Monica in California, and to the homes for the widows and orphans of soldiers and sailors established and maintained by any State or Territory, and all soldiers' or sailors' homes established by the authority of any State or Territory receiving aid from the United States under legislation of Congress, each, one copy each of the following documents: The session laws of Congress, the annual messages of the President, with accompanying documents in the abridgment thereof; the daily Congressional Record; and the Public Printer is hereby authorized and directed to furnish to the Secretary of the Senate and the Clerk of the House of Representatives the documents referred to in this section.—*R. S., sec. 4837, as amended; 28 Stat. L., p. 159.*

The Joint Committee on the Library is authorized to grant the use of the Library to the Clerk of the House, subject to the same regulations as members of Congress.—*R. S., sec. 94.*

The number prefixed to the section of a bill, being merely a marginal indication, and no part of the text of the bill, the Clerk regulates that.—*Manual, p. 161.* He also gives numbers to the bills, joint resolutions, concurrent and simple resolutions, and reports, as they are introduced or reported.

In addition to the foregoing there are various other duties appertaining to the office of Clerk, under the usage and practice of the House, which are discharged by himself and his appointees.

He prepares estimates of the expenses of the House of Representatives, and disburses the contingent fund of the House, keeping accounts with the Treasury of the United States of the various items of appropriation for that object. He also disburses the salary fund of the various officers and employés of the House.

He keeps the minutes of proceedings in the House, and prepares, subject to the control of the Speaker, the Journal of said proceedings. He also prepares the index to the Journal at the end of each session.

He reads all messages, bills, and other papers required by the House to be read, and calls the roll of Members.

He keeps the files of the House, preserving all petitions and other papers belonging to its archives, arranged alphabetically,

in a clear and concise manner the exact condition of all public moneys by them received, paid out, and remaining in their possession as such officers.—*R. S., sec. 70.*

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He keeps the files of the House, preserving all petitions and other papers belonging to its archives, arranged alphabetically,



and under the head of the Congress at which they were last acted upon.

He keeps a book in which are entered, numerically, the titles of all bills and joint resolutions, opposite which are noted, as they occur, all proceedings of the House thereon; also all proceedings of the Senate as they are reported to the House.

He places appropriate indorsements upon all papers presented in the House, and, after entering the same in books kept for the purpose, sends to the Government Printing Office all such as are ordered to be printed, and distributes the same to the appropriate committees.

He prepares for printing all engrossed bills, joint resolutions, and resolutions of the House, and amendments of the House to Senate bills and joint resolutions which pass the House of Representatives, certifying the date of the passage of the same at the foot thereof.

He prepares for printing upon parchment all enrolled House bills and joint resolutions which have passed both Houses, certifying upon the back that the same originated in the House, and then delivers them to the Committee on Enrolled Bills.

He journalizes all petitions, bills, and other papers handed to him under Rule XXII, furnishes a transcript thereof to the official reporters of debates for publication in the Record, and, having indorsed them appropriately, takes them to the rooms of the proper committee, and receives a receipt therefor from its clerk or chairman. He also keeps what is called the "Petition Book," in which is entered, alphabetically, each petition as presented.

He keeps what is called the "Newspaper Book," in which are entered the accounts of Members for newspapers, and orders from the publishers such newspapers and periodicals as may be directed.

He distributes to members, governors, State legislatures, etc., all public documents (other than extra numbers) required by law, rule, or resolution, to be distributed.

He purchases, keeps, and distributes the stationery required for the use of the House. (*See Stationery.*)

He keeps the library of the House, in which are kept copies of all documents printed by order of either House.

It is the duty of the Clerk, subject to the approval of the

Committee on Accounts, to provide all necessary furniture required for the use of the House and its committees.

At the commencement and close of each session of Congress he shall take an inventory of all the furniture, books, and other public property in the several committee and other rooms under his charge, and report the same to the House, which report shall be referred to the Committee on Accounts to ascertain and determine the amount for which he shall be held liable for missing articles.

By the act of August 7, 1882 (*Sess. Laws*, 1, 47, p. 334), it is made the duty of the Clerk to cause to be sold all waste paper and useless documents and condemned furniture that may accumulate in his office, and cover the proceeds into the Treasury, and make report thereof to the House at the commencement of each regular session.

He is required to notify parties in contested-election cases of the receipt of testimony, and to prepare and have printed the records in such cases. (*See Elections, Contested.*)

#### CLERKS OF COMMITTEES.

*The chairman shall appoint the clerk or clerks of his committee, subject to its approval, who shall be paid at the public expense, the House having first provided therefor.—Rule X, clause 4.*

*The clerks of the several committees of the House shall, within three days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitions, and other papers referred to the committee, together with all evidence taken by such committee under the order of the House during the said Congress and not reported to the House; and in the event of the failure or neglect of any clerk of a committee to comply with this rule the Clerk of the House shall, within three days thereafter, take into his keeping all such papers and testimony.—Rule XXVIII.*

The Committee on Accounts reports what committees shall have session clerks.

The following committees have permanent or annual clerkships, viz: On Claims, on Ways and Means, on the Public Lands, on Appropriations, on War Claims, on Invalid Pensions, on the Judiciary, on Interstate and Foreign Commerce,

on the District of Columbia, on Agriculture, on Military Affairs, on Foreign Affairs, on Naval Affairs, on Rivers and Harbors, on Indian Affairs, on the Post-Office and Post-Roads, on Public Buildings and Grounds, on Elections No. 1, on Elections No. 2, on Elections No. 3, on the Merchant Marine and Fisheries, and on Accounts.

The committees on Ways and Means, on Appropriations, and on War Claims have each an annual assistant clerk, while several committees have, by resolution, an additional session clerk.

Hereafter clerks of committees of either branch of Congress (except those whose salaries are fixed by specific appropriations) shall be paid not more than six dollars per day, and during the session only.—18 *Stat. L.*, p. 345.

The pay of the clerks to committees of the House of Representatives, heretofore authorized by the House, who are paid during the session only, shall begin from the time such clerks entered upon the discharge of their duties as clerks to committees, which shall be ascertained and evidenced by the certificates of the chairmen of the several committees employing clerks for the session only.—22 *Stat. L.*, p. 378.

#### CLERKS TO MEMBERS.

Each Member and Delegate of the House of Representatives of the United States may, on the first day of every month during sessions of Congress certify to the Clerk of the House of Representatives the amount which he has paid or agreed to pay for clerk hire necessarily employed by him in the discharge of his official and representative duties during the previous month, and the amount so certified shall be paid by the Clerk out of the contingent fund of the House on the fourth day of each month to the person or persons named in each of said certificates so filed: *Provided*, That the amount so certified and paid for clerical services rendered to each Member and Delegate shall not exceed one hundred dollars for any month during the session: *And provided further*, That the provisions of this resolution shall not apply to Members who are chairmen of committees entitled under the rules to a clerk.—27 *Stat. L.*, p. 757.



## COINAGE, WEIGHTS, AND MEASURES, COMMITTEE ON.

*(See Committees.)*

## COMMERCE, INTERSTATE AND FOREIGN, COMMITTEE ON.

*(See Committees.)*

## COMMISSIONS.

The distinction between commissions and committees is that the latter are constituted of Members of the existing House while the former may consist of persons not members.

Neither House can continue any portion of itself in any parliamentary function beyond the end of the session without the consent of the other branch. When done, it is by a bill constituting them commissioners for that particular purpose.—*Manual*, p. 184.

Commissions are sometimes created by law, to be appointed from Members-elect to a succeeding Congress, who are charged with the investigation of certain subjects, and are required to report to a succeeding Congress.

By the act of August 18, 1894, a joint commission, consisting of five Senators and five Representatives, was created and empowered to investigate the Ford Theater disaster and to report by bill or otherwise whether in equity and justice the Government should compensate the sufferers of that disaster for the injuries sustained by them.—*28 Stat. L.*, p. 392.

By the concurrent resolution of the House of February 9, 1895, a joint special commission, consisting of six Senators and nine Representatives, was created to prepare and report to their respective Houses, a plan for the proper participation of Congress in the dedication of the Chickamauga National Park.—*28 Stat. L., App.*, p. 18.

## COMMIT, MOTION TO.

*It shall be in order, pending the motion for, or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or*



## DUTIES OF.

Presides at commencement of first session of a Congress.

Mails to Members a list of official reports.

Notes questions of order on Journal.

Distributes documents, attests bills, writs, etc.

Makes contracts for House of Representatives.

Keeps account of disbursements and of Members' stationery.

Pays salaries to officers and employés.—*See Rule III.*

Respecting other duties of the Clerk and his appointees—*see Rule XIII, clause 2, Rule XXII, clause 1, Rule XXXVIII.*

At the first session of Congress after every general election of Representatives, the oath of office shall be administered by any Member of the House of Representatives to the Speaker; and by the Speaker to all the Members and Delegates present, and to the Clerk previous to entering on any other business, and to the Members and Delegates who afterward appear, previous to their taking their seats.—*R. S., sec. 30.*

In the case of a vacancy which occurred in the office of Clerk during the Thirty-first Congress (*see Journal, 1, 31, p. 789*), it was decided that the House could take no action upon, nor transact any other business until a Clerk was elected.

The Clerk, when presiding, has repeatedly refused to entertain motions or resolutions to amend the roll of Representatives elect, and has refused to entertain an appeal from that decision.

As soon as the Speaker has declared a person elected Clerk, the oath of office is administered to him by the Speaker, and he enters upon the duties of his office.

It is made the duty of the Clerk, within thirty days after he enters upon the duties of his office, to give bond in the penal sum of \$20,000.—*R. S., secs. 58 and 59.*

Before the first meeting of each Congress the Clerk of the next preceding House of Representatives shall make a roll of the Representatives elect, and place thereon the names of those persons, and of such persons only, whose credentials show that they were regularly elected in accordance with the laws of their States, respectively, or the laws of the United States.—*R. S., sec. 31.*

In case of a vacancy in the office of Clerk of the House of Representatives, or of the absence or inability of the Clerk to discharge the duties imposed on him by law or custom relative

to the preparation of the roll of Representatives or the organization of the House, those duties shall devolve on the Sergeant-at-Arms of the next preceding House of Representatives.—*R. S., sec. 32.*

In case of vacancies in the offices of both the Clerk and the Sergeant-at-Arms, or of the absence or inability of both to act, the duties of the Clerk relative to the preparation of the roll of the House of Representatives or the organization of the House shall be performed by the Doorkeeper of the next preceding House of Representatives.—*R. S., sec. 33.*

Representatives and Delegates elect to Congress, whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31, may receive their compensation monthly, from the beginning of their term until the beginning of the first session of each Congress, upon a certificate in the form now in use, to be signed by the Clerk of the House, which certificate shall have the like force and effect as is given to the certificate of the Speaker.—*R. S., sec. 38, and Laws, 2, 43, p. 389.*

The Clerk of the House of Representatives is authorized and directed to sign, during the recess of Congress, after the first session and until the first day of the second session, the certificates for the monthly compensation of Members and Delegates in Congress, which certificates shall be in the form now in use, and shall have the like force and effect as is given to the certificate of the Speaker.—*19 Stat. L., p. 145.*

The Clerk of the House and Secretary of the Senate are directed to procure and file, for the use of their respective Houses, copies of all reports made by each committee of all succeeding Congresses; and at the close of each session of Congress, to cause said reports to be indexed and bound, one copy to be deposited in the library of each House and one copy in the room of the committee from which the reports emanated.—*24 Stat. L., p. 346; also, vol. 28, p. 622.*

The Secretary of the Senate and the Clerk of the House of Representatives shall prepare and submit to the two Houses, respectively, at the commencement of each session of Congress, the following statements in writing:

First. A statement showing the names of all the clerks and other persons who have been, during the preceding year, or

any part thereof, employed in their respective offices, and those of the messengers of the respective Houses, together with the time that each clerk or other person and each messenger was actually employed, and the sums paid to each. This statement must also show whether such clerks or other persons, or such messengers, have been usually employed; whether the services of any of them can be dispensed with without detriment to the public service, and whether the removal of any particular persons, and the appointment of others in their stead, is required for the better dispatch of business.

Second. A detailed statement, by items, of the manner in which the contingent fund for each House has been expended during the preceding year. This statement must give the names of every person to whom any portion of the fund has been paid; and if for anything furnished, the quantity and price; and if for any services rendered, the nature of such service, and the time employed, and the particular occasion or cause, in brief, that rendered such service necessary, and the amount of all former appropriations in each case on hand, either in the Treasury or in the hands of any disbursing officer or agent.—*R. S., sec. 60.*

Each of the statements required by the preceding section shall exhibit also the several sums drawn by the Secretary and Clerk, respectively, from the Treasury, and the balances, if any remaining in their hands.—*R. S., sec. 61.*

The Secretary of the Senate and the Clerk of the House of Representatives shall each require of the disbursing officers acting under their direction or authority the return of precise and analytical statements and receipts for all moneys which may have been, from time to time, during the next preceding year, expended by them; and the results of such returns and the sums total shall be communicated annually to Congress by the Secretary and Clerk, respectively.—*R. S., sec. 62.*

All expenditures of the Senate and House of Representatives shall be made up to the end of each fiscal year, and shall be reported to Congress at the commencement of each regular session.—*R. S., sec. 63.*

The Secretary of the Senate and Clerk of the House of Representatives shall annually advertise, once a week for at least

four weeks, in one or more of the principal papers published in the District of Columbia, for sealed proposals for supplying the Senate and House of Representatives, respectively, during the next session of Congress, with the necessary stationery.—*Laws*, 2, 43, p. 316.

The advertisement published under the preceding section must describe the kind of stationery required, and must require the proposals to be accompanied with sufficient security for their performance.—*R. S.*, sec. 66.

All such proposals shall be kept sealed until the day specified in such advertisement for opening the same, when the same shall be opened in the presence of at least two persons, and the contract shall be given to the lowest bidder, provided he shall give satisfactory security to perform the same, under forfeiture not exceeding double the contract price in case of failure; and in case the lowest bidder shall fail to enter into such contract and give such security within a time to be fixed in such advertisement, then the contract shall be given to the next lowest bidder, who shall enter into such contract.—*R. S.*, sec. 67.

The three preceding sections shall not prevent either the Secretary or the Clerk from contracting for separate parts of the supplies of stationery required to be furnished.—*R. S.*, sec. 68.

The Secretary of the Senate and the Clerk of the House of Representatives shall, in disbursing the public moneys for the use of the two Houses, respectively, purchase only articles the growth and manufacture of the United States, provided the articles required can be procured of such growth and manufacture upon as good terms as to quality and price as are demanded for like articles of foreign growth and manufacture.—*R. S.*, sec. 69.

The Secretary of the Senate and the Clerk of the House of Representatives, respectively, shall report to Congress on the first day of each regular session, and at the expiration of their terms of service, a full and complete statement of all their receipts and expenditures as such officers, showing in detail the items of expense, classifying them under the proper appropriations, and also showing the aggregate thereof, and exhibiting

in a clear and concise manner the exact condition of all public moneys by them received, paid out, and remaining in their possession as such officers.—*R. S., sec. 70.*

The Secretary of the Senate and the Clerk of the House of Representatives, respectively, are entitled, for transcribing and certifying extracts from the Journal of the Senate or the Executive Journal of the Senate when the injunction of secrecy has been removed, or from the Journal of the House of Representatives, except when such transcripts are required by an officer of the United States in a matter relating to the duties of his office, to receive from the person for whom such transcripts are prepared the sum of ten cents for each sheet containing one hundred words.—*R. S., sec. 71.*

The Secretary of the Senate, the Clerk of the House of Representatives, the Sergeant-at-Arms, the Postmasters of the Senate and House of Representatives, and the Doorkeeper of the House of Representatives shall, severally, make out and return to Congress, on the first day of each regular session, and at the expiration of their respective terms of service, a full and complete account of all property belonging to the United States in their possession, respectively, at the time of returning such account.—*R. S., sec. 72.*

All petitions and bills praying or providing for the satisfaction of private claims against the Government, founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, shall, unless otherwise ordered by resolution of the House in which they are introduced, be transmitted by the Secretary of the Senate or the Clerk of the House of Representatives, with all the accompanying documents to the Court of Claims.—*R. S., sec. 1060.*

No printing or binding shall be done or blank books furnished for the House except on the written order of the Clerk.—*R. S., sec. 3789.*

The Secretary of the Senate and the Clerk of the House of Representatives shall cause to be sent to the National Home for Disabled Volunteer Soldiers at Dayton, Ohio, and to the branches at Togus in Maine, Milwaukee in Wisconsin, Hampton in Virginia, Marion in Indiana, Leavenworth in Kansas,

Santa Monica in California, and to the homes for the widows and orphans of soldiers and sailors established and maintained by any State or Territory, and all soldiers' or sailors' homes established by the authority of any State or Territory receiving aid from the United States under legislation of Congress, each, one copy each of the following documents: The session laws of Congress, the annual messages of the President, with accompanying documents in the abridgment thereof; the daily Congressional Record; and the Public Printer is hereby authorized and directed to furnish to the Secretary of the Senate and the Clerk of the House of Representatives the documents referred to in this section.—*R. S., sec. 4837, as amended; 28 Stat. L., p. 159.*

The Joint Committee on the Library is authorized to grant the use of the Library to the Clerk of the House, subject to the same regulations as members of Congress.—*R. S., sec. 94.*

The number prefixed to the section of a bill, being merely a marginal indication, and no part of the text of the bill, the Clerk regulates that.—*Manual, p. 161.* He also gives numbers to the bills, joint resolutions, concurrent and simple resolutions, and reports, as they are introduced or reported.

In addition to the foregoing there are various other duties appertaining to the office of Clerk, under the usage and practice of the House, which are discharged by himself and his appointees.

He prepares estimates of the expenses of the House of Representatives, and disburses the contingent fund of the House, keeping accounts with the Treasury of the United States of the various items of appropriation for that object. He also disburses the salary fund of the various officers and employés of the House.

He keeps the minutes of proceedings in the House, and prepares, subject to the control of the Speaker, the Journal of said proceedings. He also prepares the index to the Journal at the end of each session.

He reads all messages, bills, and other papers required by the House to be read, and calls the roll of Members.

He keeps the files of the House, preserving all petitions and other papers belonging to its archives, arranged alphabetically,

and under the head of the Congress at which they were last acted upon.

He keeps a book in which are entered, numerically, the titles of all bills and joint resolutions, opposite which are noted, as they occur, all proceedings of the House thereon; also all proceedings of the Senate as they are reported to the House.

He places appropriate indorsements upon all papers presented in the House, and, after entering the same in books kept for the purpose, sends to the Government Printing Office all such as are ordered to be printed, and distributes the same to the appropriate committees.

He prepares for printing all engrossed bills, joint resolutions, and resolutions of the House, and amendments of the House to Senate bills and joint resolutions which pass the House of Representatives, certifying the date of the passage of the same at the foot thereof.

He prepares for printing upon parchment all enrolled House bills and joint resolutions which have passed both Houses, certifying upon the back that the same originated in the House, and then delivers them to the Committee on Enrolled Bills.

He journalizes all petitions, bills, and other papers handed to him under Rule XXII, furnishes a transcript thereof to the official reporters of debates for publication in the Record, and, having indorsed them appropriately, takes them to the rooms of the proper committee, and receives a receipt therefor from its clerk or chairman. He also keeps what is called the "Petition Book," in which is entered, alphabetically, each petition as presented.

He keeps what is called the "Newspaper Book," in which are entered the accounts of Members for newspapers, and orders from the publishers such newspapers and periodicals as may be directed.

He distributes to members, governors, State legislatures, etc., all public documents (other than extra numbers) required by law, rule, or resolution, to be distributed.

He purchases, keeps, and distributes the stationery required for the use of the House. (*See Stationery.*)

He keeps the library of the House, in which are kept copies of all documents printed by order of either House.

It is the duty of the Clerk, subject to the approval of the



**Committee on Accounts, to provide all necessary furniture required for the use of the House and its committees.**

At the commencement and close of each session of Congress he shall take an inventory of all the furniture, books, and other public property in the several committee and other rooms under his charge, and report the same to the House, which report shall be referred to the Committee on Accounts to ascertain and determine the amount for which he shall be held liable for missing articles.

By the act of August 7, 1882 (*Sess. Laws, 1, 47, p. 334*), it is made the duty of the Clerk to cause to be sold all waste paper and useless documents and condemned furniture that may accumulate in his office, and cover the proceeds into the Treasury, and make report thereof to the House at the commencement of each regular session.

He is required to notify parties in contested-election cases of the receipt of testimony, and to prepare and have printed the records in such cases. (*See Elections, Contested.*)

#### CLERKS OF COMMITTEES.

*The chairman shall appoint the clerk or clerks of his committee, subject to its approval, who shall be paid at the public expense, the House having first provided therefor.—Rule X, clause 4.*

*The clerks of the several committees of the House shall, within three days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitions, and other papers referred to the committee, together with all evidence taken by such committee under the order of the House during the said Congress and not reported to the House; and in the event of the failure or neglect of any clerk of a committee to comply with this rule the Clerk of the House shall, within three days thereafter, take into his keeping all such papers and testimony.—Rule XXXVIII.*

The Committee on Accounts reports what committees shall have session clerks.

The following committees have permanent or annual clerkships, viz: On Claims, on Ways and Means, on the Public Lands, on Appropriations, on War Claims, on Invalid Pensions, on the Judiciary, on Interstate and Foreign Commerce,



on the District of Columbia, on Agriculture, on Military Affairs, on Foreign Affairs, on Naval Affairs, on Rivers and Harbors, on Indian Affairs, on the Post-Office and Post-Roads, on Public Buildings and Grounds, on Elections No. 1, on Elections No. 2, on Elections No. 3, on the Merchant Marine and Fisheries, and on Accounts.

The committees on Ways and Means, on Appropriations, and on War Claims have each an annual assistant clerk, while several committees have, by resolution, an additional session clerk.

Hereafter clerks of committees of either branch of Congress (except those whose salaries are fixed by specific appropriations) shall be paid not more than six dollars per day, and during the session only.—18 *Stat. L.*, p. 345.

The pay of the clerks to committees of the House of Representatives, heretofore authorized by the House, who are paid during the session only, shall begin from the time such clerks entered upon the discharge of their duties as clerks to committees, which shall be ascertained and evidenced by the certificates of the chairmen of the several committees employing clerks for the session only.—22 *Stat. L.*, p. 378.

#### CLERKS TO MEMBERS.

Each Member and Delegate of the House of Representatives of the United States may, on the first day of every month during sessions of Congress certify to the Clerk of the House of Representatives the amount which he has paid or agreed to pay for clerk hire necessarily employed by him in the discharge of his official and representative duties during the previous month, and the amount so certified shall be paid by the Clerk out of the contingent fund of the House on the fourth day of each month to the person or persons named in each of said certificates so filed: *Provided*, That the amount so certified and paid for clerical services rendered to each Member and Delegate shall not exceed one hundred dollars for any month during the session: *And provided further*, That the provisions of this resolution shall not apply to Members who are chairmen of committees entitled under the rules to a clerk.—27 *Stat. L.*, p. 757.

**COINAGE, WEIGHTS, AND MEASURES, COMMITTEE ON.**

*(See Committees.)*

**COMMERCE, INTERSTATE AND FOREIGN, COMMITTEE ON.**

*(See Committees.)*

**COMMISSIONS.**

The distinction between commissions and committees is that the latter are constituted of Members of the existing House while the former may consist of persons not members.

Neither House can continue any portion of itself in any parliamentary function beyond the end of the session without the consent of the other branch. When done, it is by a bill constituting them commissioners for that particular purpose.—*Manual, p. 184.*

Commissions are sometimes created by law, to be appointed from Members-elect to a succeeding Congress, who are charged with the investigation of certain subjects, and are required to report to a succeeding Congress.

By the act of August 18, 1894, a joint commission, consisting of five Senators and five Representatives, was created and empowered to investigate the Ford Theater disaster and to report by bill or otherwise whether in equity and justice the Government should compensate the sufferers of that disaster for the injuries sustained by them.—*28 Stat. L., p. 392.*

By the concurrent resolution of the House of February 9, 1895, a joint special commission, consisting of six Senators and nine Representatives, was created to prepare and report to their respective Houses, a plan for the proper participation of Congress in the dedication of the Chickamauga National Park.—*28 Stat. L., App., p. 18.*

**COMMIT, MOTION TO.**

*It shall be in order, pending the motion for, or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or*

*without instructions, to a standing or select committee.*—Rule XVII, clause 1. *See Journal, 1, 54, p. 190.*

The motion to commit is amendable, as by adding instructions to the committee.—*Journal, 1, 47, p. 1724.* Also by striking out one committee and inserting another.

A division of the question is not in order on a motion to commit with instructions or on the different branch of instruction.—*Journals, 1, 17, p. 507; 1, 31, pp. 1337, 1395; 1, 32, p. 611.*

A motion to commit, under clause 1, Rule XVII, with or without instructions, is subject to amendment, under Rule XIX, unless precluded by ordering the previous question or the motion to commit.—*Journal, 1, 48, p. 1430.*

It is not in order to move to lay on the table the motion to commit provided in clause 1, Rule XVII, the object of the rule being to permit a direct vote on the motion to commit.—*Record 1, 49, p. 694.*

That a motion to commit a bill has been made and voted down pending consideration of amendments does not preclude the motion to commit pending the question on its passage specially authorized by Rule XVII.—*Record, 1, 49, p. 6758.*

It is not in order to move to commit a bill to a committee with instructions to insert what the House has just voted to strike out.—*Record, 1, 49, p. 7613.*

A motion to commit a proposition to a special committee after the previous question has been ordered on agreeing thereto is in order according to the practice of the House, even before the House has adopted rules.—*Journal, 1, 53, p. 9. See also Journal, 1, 54, p. 190.*

(*See Refer; Recommit.*)

## COMMITTEES.

### APPOINTMENT AND JURISDICTION OF.

*Unless otherwise specially ordered by the House, the Speaker shall appoint, at the commencement of each Congress, the following standing committees, viz.*—See Rule X.

*He shall also appoint all select and conference committees which shall be ordered by the House from time to time.*—Rule X, clause 2.

The following is a list of the standing, select, and joint committees of the House, showing respectively the number of members, date of first creation, and the jurisdiction of each:

Committees.	Members.	Subjects of Jurisdiction.
<b>On Elections No. 1.....</b> April 13, 1789.	9	<b>Election of Members.</b>
<b>On Elections No. 2.....</b> December 17, 1895.	9	Do.
<b>On Elections No. 3.....</b> December 17, 1895.	9	Do.
<b>Ways and Means.....</b> January 7, 1802.	17	Revenue and the bonded debt of the United States.
<b>Appropriations.....</b> March 2, 1865.	17	Appropriations of the revenue for the support of the Government as herein provided, viz, for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for the District of Columbia; for pensions; and for all deficiencies.
<b>The Judiciary.....</b> June 3, 1813.	17	Judicial proceedings, civil and criminal law.
<b>Banking and Currency....</b> March 2, 1865.	17	Banking and currency.
<b>Coinage, Weights, and Measures.</b> January 21, 1864.	* 17	Coinage, weights, and measures.
<b>Interstate and Foreign Commerce.</b> December 16, 1891 (succeeded Committee on Commerce created December 14, 1795).	17	Commerce, Life-Saving Service, and light-houses, other than appropriations for Life-Saving Service and light-houses.
<b>Rivers and Harbors.....</b> December 19, 1883.	17	Improvements of rivers and harbors.
<b>The Merchant Marine and Fisheries.</b> December 21, 1887.	13	Merchant marine and fisheries.
<b>Agriculture.....</b> May 3, 1820.	* 18	Agriculture and forestry, including appropriations for the Agricultural Department.
<b>Foreign Affairs.....</b> March 13, 1822.	15	Relations of the United States with foreign nations, including appropriations therefor.
<b>Military Affairs.....</b> March 13, 1822.	* 15	The military establishment and the public defense, including the appropriations for its support and for that of the Military Academy.

\*And one Delegate.

Committees.	Members.	Subjects of jurisdiction.
Naval Affairs..... March 13, 1822.	15	The naval establishment, including the appropriations for its support.
Post-Office and Post-Roads. March 9, 1808.	* 15	The post-office and post-roads, including appropriations for their support.
Public Lands..... December 17, 1805.	* 15	The lands of the United States.
Indian Affairs..... December 18, 1821.	* 17	The relations of the United States with the Indians and the Indian tribes, including appropriations therefor.
Territories..... December 13, 1825.	† 13	Territorial legislation, the revision thereof, and affecting Territories or the admission of States.
Railways and Canals..... April 9, 1869.	13	Railways and canals, other than Pacific railroads.
Manufactures..... December 8, 1819.	11	Manufacturing industries.
Mines and Mining..... December 19, 1865.	* 13	Mining interests.
Public Buildings and Grounds. March 10, 1871.	15	Public buildings and occupied or improved grounds of the United States, other than appropriations therefor.
Pacific Railroads..... March 2, 1865.	15	Railroads and telegraphic lines between the Mississippi River and the Pacific Coast.
Levees and Improvements of the Mississippi River. December 10, 1875.	13	The levees of the Mississippi River.
Education..... March 21, 1867.	13	Education.
Labor..... December 19, 1883.	13	Labor.
Militia..... December 10, 1835.	13	The militia of the several States.
Patents..... September 15, 1837.	13	Patents, copyrights, and trade-marks.
Invalid Pensions..... January 10, 1831.	15	Pensions of the civil war.
Pensions..... February 11, 1880. (Successor to Committee on Revolutionary Pensions created December 9, 1825.)	13	Pensions of all the wars of the United States, other than the civil war.
Claims..... November 13, 1794.	15	Private and domestic claims and demands, other than war claims, against the United States.

\*And one Delegate

† And two Delegates.

# COMMITTEES.

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Committees.	Members.	Subjects of jurisdiction.
War Claims..... December 2, 1873.	13	Claims arising from any war in which the United States has been engaged.
Private Land Claims..... April 29, 1816.	* 13	Private claims to land.
District of Columbia..... January 27, 1808.	15	District of Columbia, other than appropriations therefor.
Revision of the Laws..... July 25, 1868. (Successor to Committee on Revisal and Unfinished Business.)	13	Revision and codification of the statutes of the United States.
Reform in the Civil Service. August 18, 1893.	13	Reform in the civil service.
Election of President, Vice-President, and Representatives in Congress. August 18, 1893.	13	Election of the President, Vice-President, and Representatives in Congress.
Alcoholic Liquor Traffic.. August 18, 1893.	11	Alcoholic liquor traffic.
Irrigation of Arid Lands. August 18, 1893.	11	Irrigation of arid lands.
Immigration and Naturalization. August 18, 1893.	11	Immigration or naturalization.
Ventilation and Acoustics. August 18, 1893.	7	Ventilation and acoustics.
Expenditures in the State Department. March 30, 1816.	7	The examination of the accounts and expenditures, and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; the enforcement of the payment of moneys due to the United States; the economy and
Expenditures in the Treasury Department. March 30, 1816.	7	
Expenditures in the War Department. March 30, 1816.	7	
Expenditures in the Navy Department. March 30, 1816.	7	
Expenditures in the Post-Office Department. March 30, 1816.	7	
Expenditures in the Interior Department. March 16, 1860.	7	

\* And one Delegate.

Committees.	Members.	Subjects of jurisdiction.
Expenditures in the Department of Justice. January 16, 1874.	7	accountability of public offices; the
Expenditures in the Department of Agriculture. December 20, 1889.	7	abolishment of useless offices; the reduction or increase of the pay of officers in the several Departments of the
Expenditures on Public Buildings. March 30, 1816.	7	Government.
Rules ..... December 27, 1849.	5	All proposed action touching the rules and joint rules and order of business.
Accounts ..... November 7, 1804.	9	All matters relating to the expenditure of the contingent fund of the House, the auditing and settling of all accounts which may be charged therein by order of the House.
Mileage ..... September 15, 1837.	5	Ascertainment of the travel of members of the House to be reported to the Sergeant-at-Arms.
Subways in the District of Columbia. (Special Committee). Created by resolution of the House, adopted June 10, 1896. Cong. Record, 1, 54, p. 6411.	3	The investigation of the subject of laying subways, in the streets, roads, and avenues of the District of Columbia.
Soldier's Home at Leavenworth, Kansas (Special Committee). Created by resolution of the House, adopted June 9, 1896. Cong. Record, 1, 54, p. 6363.	5	To investigate the plan, practical workings, and management of the National Home for Disabled Volunteer Soldiers at Leavenworth, Kansas.
Library (Joint Committee). December 7, 1843.	3	The Library of Congress, statuary, and pictures.
Printing (Joint Committee). Created by statute, R. S., 3656.	3	All proposed legislation or orders relating to printing. ( <i>See R. S., 3657.</i> )
Enrolled Bills (Joint Committee). November 13, 1794.	7	Enrollment of engrossed bills.
Disposition of useless papers in Executive Departments (Joint Committee). Created by act of February 16, 1889. Stat. at L., vol. 25, p. 672.	2	The examination of reports of the heads of Executive Departments on papers not needed or useful.

Committees.	Members.	Subjects of jurisdiction.
<b>Charities and Reformatory Institutions of the District of Columbia (Joint Committee).</b> Created by act of June 11, 1896. Stat. at L., vol. 29, p. 411.	3	The investigation of charitable and reformatory institutions of the District of Columbia.
<b>Alcohol in the Manufactures and Arts (Joint Committee).</b> Created by act of June 3, 1896. Stat. at L., vol. 29, p. 195.	3	To consider all questions relating to the use of alcohol in the manufactures and arts free of tax.

**CHAIRMAN AND CLERKS.**

*The first-named member of each committee shall be the chairman; and in his absence, or being excused by the House, the next-named member, and so on, as often as the case shall happen, unless the committee by a majority of its number elect a chairman; and in case of the death of a chairman, it shall be the duty of the Speaker to appoint another.*

*The chairman shall appoint the clerk or clerks of his committee, subject to its approval, who shall be paid at the public expense, the House having first provided therefor.—Rule X, clauses 3, 4.*

**SELECTION OF.**

The rule adopted April 17, 1789, provided that the Speaker should appoint all committees consisting of not more than three members; but if exceeding that number they were selected by ballot. By the rule as modified January 13, 1790, the Speaker appointed all committees unless otherwise specially directed, in which latter event they were chosen by ballot.

The mode of selecting committees by ballot has for many years not been resorted to, the Speaker being now required, by Rule X, to appoint the standing and select and conference committees. It is usual for the House to adjourn over for two or three days at a time to enable him to make the appointments.

Before a return be made a Member elected may be named of a committee, and is to every extent a Member, except that he can not vote until he is sworn.—*Manual*, p. 112. While this is undoubtedly correct as a statement of general parliamentary law, it has not been a common practice in the House to appoint a Member on a committee until he has been sworn, although there have been instances of the kind; nor can he refer a bill or perform any other legislative act.



## POWER AND AUTHORITY OF.

No committee except the Committee on Rules (*Rule XI, clause 58*) has authority to sit during the sitting of the House without first obtaining leave therefor, but upon the statement to the House by a member of a committee (usually the chairman) that it is important to the dispatch of public business that they should have such leave, it is usually granted, especially near the close of the session. It is quite common to grant this privilege to select committees when organized.

A resolution authorizing a committee to sit during a recess, and instructing such committee in certain respects, held not to be a change of the rules.—*Journal*, 2, 45, p. 132.

Committees may be appointed to sit during the recess by adjournment, but not by prorogation. Neither House can continue any portion of itself in any parliamentary function beyond the end of the session without the consent of the other branch. When done it is by a bill constituting them commissioners for that particular purpose.—*Manual*, p. 184.

This has been construed (and in view of the distinction which exists between a "session" of Parliament and of Congress very properly so) not to restrain a committee of the House, with the leave of the House, from sitting during the recess between a first and second session of Congress.—(*See Journal* 1, 32, p. 1119.)

A committee meet when and where they please, if the House has not ordered time and place for them; but they can only act when together, and not by separate consultation and consent, nothing being the report of a committee but what has been agreed to in committee actually assembled.—*Manual*, p. 139.

A majority of the committee constitutes a quorum for business.—*Manual*, p. 139. But it is not necessary that the committee shall be full when a paper is acted upon.—*Journal* 1, 34, p. 1144.

Nor is it even necessary that every member shall have been notified of an adjourned meeting, if it shall appear that at such meeting a quorum was present, and that a majority of such quorum authorized a report to be made.—*Journal*, 1, 34, pp. 1433, 1434.

The Clerk may deliver the bill to any member of the com-

## POWER AND AUTHORITY OF—Continued.

mittee, but it is usual to deliver it to him who is first named.—*Manual*, p. 139. In the House of Representatives, the long-settled practice has been where the committee have a regular place of meeting, as is the case with all standing committees, for the Clerk to take to the committee room and deposit there all matters referred to said committee, or leave them with the clerk, taking his receipt therefor; and when they have no committee room, as is the case with some of the select committees, to deliver the matter referred to the chairman, and in his absence to the next member of the committee.

It is not competent for the House to instruct a committee to amend a bill in a manner that the House itself can not amend it.—*Journals*, 2, 35, p. 389; 1, 49, 703.

It is not in order to move to commit a bill to a committee with instructions to insert what the House has just voted to strike out.—*Record*, 1, 49, p. 7613.

The committee have full power over the bill or other paper, except that they can not change the title or subject.—*Manual*, p. 139.

It is entirely competent under the rules and practice for the committee to amend the title, but they can not, of course, change the subject of the bill.

There is no rule of the House which prohibits a committee from reporting a bill providing for several distinct works and objects, such as a bill providing “for sundry light-houses and other aids to navigation.”—*Record*, 1, 52, pp. 6172, 6173.

## COMMITTEES—PROCEEDINGS AND REPORTS OF.

A committee having leave to report at all times may report in part at different times.—*Journal*, 1, 27, p. 204.

The right to report at any time carries with it the right to consider the matter when reported (*Journal*, 1, 32, p. 195), and where authority is given to a committee to make a report at a particular time the right follows to consider the report when made.—*Journal*, 1, 32, p. 1009.

It is not competent for a committee to report a bill where the subject-matter has not been referred to them by the House.—*Journal*, 1-51, p. 967.

## PROCEEDINGS AND REPORTS OF—Continued.

The report being made, the committee is dissolved, and can act no more without a new power. But it may be revived by a vote, and the same matter recommitted to them.—*Manual*, p. 142. This evidently refers to a *select committee* specially appointed for a particular object, and, under the practice of the House, a motion to recommit, decided affirmatively, has the effect of reviving the committee. (See *Journal* 2, 37, p. 874; 3, 37, pp. 487–489.)

If it is disputed that a report has been ordered to be made by a committee, the question of reception must be put to the House.—*Journal*, 2, 27, p. 1410.

It is presumed that a report made or motion submitted by a member in behalf of a committee when it is called has been authorized by such committee. The question of such authority is a question of fact, not for the Speaker, but for the committee itself to decide.—*Record*, 2, 49, p. 43.

A bill having been recommitted to a committee with leave to report at any time, and the same being immediately reported by its chairman, is subject to the point that the committee have not considered it.—*Journal*, 2, 50, p. 536.

It was also held that a bill recommitted with instruction to report forthwith may be reported immediately by the chairman without formal action by the committee.—*Record*, 2, 51, p. 3508.

It was held not competent to produce in the House the minutes of a committee to show whether or not authority was given to report or move a certain proposition.—*Record*, 2, 51, p. 647. But authority in writing may be furnished the House through the Speaker.—*Journal*, 1, 51, p. 849.

The chairman of a committee is its official organ, and his action in behalf of the committee is presumed to be authorized; but this presumption may be negatived by admitted facts showing a want of such authority.—*Record*, 2, 51, p. 647.

It appearing that a committee had ordered a report to be made in a pending investigation, it was held that the House had a right to institute an inquiry respecting the failure to carry out such order.—*Record*, 2, 51, p. 1789.

It is not in order for a committee to move to suspend the

rules and pass a resolution which has not been referred to it, and of which it has not acquired jurisdiction.—*Record*, 1, 51, p. 8773.

After debate has commenced, or after a motion to suspend the rules has been seconded, it is too late to make the point that the committee had not authorized such motion.—*Record*, 2, 51, p. 489.

Authority to make a motion in behalf of a committee must be given by the committee. It is not sufficient that members of the committee have individually consented.—*Record*, 1, 51, p. 1405.

A minority of the committee can not make a report, a minority not being the committee.—*Journal* 1, 24, p. 262. The common practice, however, is to permit the minority to submit their views in writing, which are usually printed and considered with the majority report. And when such views are accompanied by a resolution or bill, such resolution or bill is not thereby brought before the House for its action, but must be submitted by some Member.—*Globe*, 1, 31, p. 1345. (See also *Minority, Views of*.)

A Member reporting the measure under consideration from a committee may open and close the debate (*Rule XIV*, clause 3) and, under the invariable practice, he is entitled to be recognized, notwithstanding another Member may have arisen first and addressed the Chair.—*Journal*, 3, 17, p. 211. (See *Debate, Previous Question, and Recognition*.)

The proceedings of a committee are not to be published, as they are of no force till confirmed by the House.—*Manual*, p. 122.

It is not in order to allude on the floor to anything that has taken place in committee, unless by a written report sanctioned by a majority of the committee.—*Journals*, 1, 26, p. 118; 1, 31, p. 393.

If a report be recommitted before agreed to in the House, what has passed in committee is of no validity; the whole question is again before the committee, and a new resolution must again be moved, as if nothing had passed.—*Manual*, p. 142.

The President of the Senate, the Speaker of the House of Representatives, or a chairman of a Committee of the Whole, or of any committee of either House of Congress, is empowered to administer oaths to witnesses in any case under their examination.—*R. S., sec. 101.*

Any member of either House of Congress may administer oaths to witnesses in any matter depending in either House of Congress of which he is a member, or any committee thereof.—*23 Stat. L., 60.*

Every person who, having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars nor less than one hundred dollars, and imprisonment in a common jail for not less than one month nor more than twelve months.—*R. S., sec. 102.*

No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either House of Congress, or by any committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous.—*R. S., sec. 103.*

Whenever a witness summoned as mentioned in section one hundred and two fails to testify, and the facts are reported to either House, the President of the Senate or the Speaker of the House, as the case may be, shall certify the fact under the seal of the Senate or House to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.—*R. S., sec. 104.*

#### COMMITTEE OF THE WHOLE

(*See Rule XXIII.*)

The rules and practice of the House recognize two committees of the whole, viz, the Committee of the Whole House on the state of the Union, to which are referred public bills and

public business appropriating public money or property; and the Committee of the Whole House, to which are referred private bills and private business.

It was held not to be in order for the Speaker, after the House votes to resolve into Committee of the Whole, to entertain a motion to adjourn, the effect of the vote being *ipso facto* to resolve the House into committee; *Record*, 2, 49, p. 917; and this has since been the practice. For the same reason, if the point were made, it would not be in order to entertain a motion to reconsider the vote by which the House resolved into committee.

A motion to discharge the Committee of the Whole from the consideration of a measure which has been partially considered in that committee is not a privileged motion.—*Journal*, 2, 45, p. 619.

It is not in order to move in the House to postpone the consideration of a bill pending in the Committee of the Whole before it has been reported to the House from that committee.—*Journal* 1, 52, p. 318.

The point that a bill should be first considered in Committee of the Whole may be made after the House has, by a vote, determined to consider it, if such consideration has not actually commenced.—*Record*, 1, 51, p. 2133.

#### SUBJECTS REQUIRED TO BE CONSIDERED IN.

*All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.*—Rule XXIII, clause 3.

*An amendment of the Senate to a House bill must be considered in Committee of the Whole if, being submitted in the House as an original proposition, it would be subject to that point.*—Rule XX and *Journal*, 1, 48, pp. 1657, 1658.

An amendment of the Senate providing for a new and distinct subject-matter of taxation or of appropriation not in-

## SUBJECTS CONSIDERED IN—Continued.

cluded in the original House bill must receive consideration in Committee of the Whole before being acted on by the House, and such amendment must be referred to a standing or select committee pursuant to Rules XXIV and XI.—*Journals*, 2, 52, p. 68, 2, 52, p. 1150.

A bill extending time for the construction of a land-grant railroad was held to be subject to the point of order that it must be first considered in Committee of the Whole pursuant to the provisions of Rule XXIII, clause 3.—*Journal*, 2, 44, p. 293.

Bills granting right of way to railroads through public lands, or over the streets of Washington, are subject to the point that they must be first considered in Committee of the Whole (pursuant to Rule XXIII, clause 3); the grant of such right of way being an appropriation of property of the United States.—*Journals*, 1, 52, p. 237; 2, 53, p. 15.

Resolutions reported from the Committee on Printing, authorizing printing for the use of the House, are not subject to the point of order that they must be first considered in Committee of the Whole.—*Journal*, 1, 47, pp. 1728, 1729.

## SUBJECTS NOT REQUIRED TO BE CONSIDERED IN.

The fact that an amendment adopted by the Senate increases the amount of appropriation for a certain item does not subject the amendment to the point of order that it be first considered in Committee of the Whole.—*Journal*, 3, 46, p. 558.

Amendments of the Senate to a House bill are not required to be considered in Committee of the Whole where they provide no new item of taxation or appropriation.—*Record*, 1, 51, p. 10190.

Authorizing the construction of a railroad through the Indian Territory is not an appropriation of Government property.—*Record*, 1, 51, p. 2166.

The fact that the execution of a proposed law might involve an increase in the expenditure of public money is not sufficient to require that it be considered in Committee of the Whole.—*Journals*, 1, 48, p. 1247; 1, 44, p. 1333.

A bill for an investigation and ascertainment of certain claims, the result of which inquiry may be the basis of future appropriations, is not on that account subject to the point

## SUBJECTS NOT CONSIDERED IN—Continued.

that it be first considered in Committee of the Whole.—*Journal*, 2, 48, p. 260. It must appear on the face of the bill that an additional appropriation will be required, and when the matter is one of argument or conjecture the Chair can not decide that such would necessarily be the case.—*Journal*, 1, 49, p. 1373. *Record*, 1, 50, February 8, 1887. *Journals*, 2, 50, p. 534; 1, 51, 315, 726, 972.

A bill providing for the disposal by the Government of a franchise, for a consideration, is not a bill appropriating public property within the meaning of clause 3 of Rule XXIII, and is not required to be considered in Committee of the Whole.—*Journal*, 2, 50, p. 534.

A bill to extend the time in which suits may be brought to vacate and annul patents upon public lands is not required to be considered in Committee of the Whole.—*Journal*, 1, 54, p. 216.

An appropriation bill having been considered in Committee of the Whole and recommitted to the Committee on Appropriations, and being by the latter committee again reported to the House, without additional items of appropriation, is not subject to the point that it should be considered in Committee of the Whole.—*Record*, 1, 50, p. 4793. Nor is a bill which has been considered in Committee of the Whole and recommitted with instructions subject to the point that it must be considered in Committee of the Whole when it is again reported with additional items of appropriation.—*Journal*, 1, 54, p. 382.

A special order assigning a certain day for the consideration of a bill was held to be a waiver of the point that its first consideration should be in Committee of the Whole.—*Journal*, 2, 47, p. 181.

When a bill which is in Committee of the Whole is made a special order, the effect of such order is to bring the bill into the House for consideration.—*Record*, 2, 49, p. 42.

A bill which neither makes nor requires an appropriation, but which makes a certain object eligible, in the discretion of an officer of the Government, to receive part of a permanent appropriation, is not subject to the point that it must be first considered in the Committee of the Whole.—*Journal*, 1, 52, pp. 311, 312.

A bill which proposes to change the manuer of expenditure



**SUBJECTS NOT CONSIDERED IN—Continued.**

of money already appropriated is not required to be first considered in a Committee of the Whole.—*Journal*, 2, 45, p. 782.

When the rules have been suspended for the purpose of enabling the report of a measure to be made, and also for its consideration, a point of order that it contains an appropriation can not be well taken.—*Journal*, 1, 34, pp. 1172, 1173.

**MOTION TO RESOLVE INTO, WHEN IN ORDER.**

*At any time after the expiration of the morning hour it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue, or general appropriation bills.—Rule XVI, clause 9.*

The motion to resolve into Committee of the Whole to consider revenue or general appropriation bills takes precedence of the unfinished business previously reported from the Committee of the Whole, unless the previous question has been ordered on the latter.

When a committee, privileged to report at any time, reports a measure which must be first considered in Committee of the Whole, it is in order immediately after such report is made to move to resolve into Committee of the Whole to consider it. Otherwise the right to consider the privileged report could not be enforced.—*Journals*, 1, 49, p. 2360; 2, 53, p. 145.

On Fridays the consideration of bills previously reported from the Committee of the Whole House has precedence over the motion to resolve into Committee of the Whole House.—*Record*, 1, 51, p. 2237.

**PROCEEDINGS IN.**

*The rules of proceeding in the House shall be observed in Committees of the Whole House so far as they may be applicable.—Rule XXIII, clause 8.*

The particulars in which these differ from proceedings in the House are the following: 1. In a committee every member may speak as often as he pleases. 2. The votes of a committee may be rejected or altered when reported to the House. 3. A committee, even of the whole, can not refer any matter to another committee. 4. In a committee no previous question can be taken; the only means to avoid an improper discussion is to move that the committee rise; and if it be apprehended that the same discussion will be attempted on returning into committee, the House can discharge them, and proceed itself on

PROCEEDINGS IN—Continued.

the business, keeping down the improper discussion by the previous question. 5. A committee can not punish a breach of order in the House or in the gallery.—*Manual*, 144, 145.

The rule of the House relative to admission to the floor is applicable in Committee of the Whole.—*Journal*, 2, 53, p. 90.

It is not in order to demand the yeas and nays on a question in Committee of the Whole.—*Globe*, 1, 28, p. 618. The yeas and nays are taken pursuant to the provision of the Constitution, which requires them to be entered on the Journal, and which is applicable to the House only when acting as a House. The proceedings of the Committee of the Whole are never entered on the Journal except such as may be reported to the House.

In case of great heat and confusion arising in committee the Speaker may take the chair and bring the House to order.—*Manual*, p. 123; *Journal*, 1, 26, p. 814. (*See Disorder.*)

If a message is announced during a committee the Speaker takes the chair and receives it, because the committee can not.—*Manual*, p. 123. So, too, during its sitting the Speaker, without a formal motion that the committee rise, often takes the chair to receive messages from the President or Senate, or to receive reports from the Committee on Enrolled Bills, which having been announced, the chairman resumes the chair, and the House is again in committee.

#### FAILURE OF A QUORUM IN.

*Whenever a Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum, which shall consist of one hundred members, the chairman shall cause the roll to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.—Rule XXIII, clause 2.*

And all Members are reported as absentees who fail to answer when their names are called, for, upon the completion of the roll, the chairman immediately vacates the chair. Whenever upon such roll call a quorum answer to their names, and that fact is reported to the House, the Speaker declines to receive any motion except to adjourn, and the committee resumes the session without further order. But if no quorum

## FAILURE OF A QUORUM IN—Continued.

answer, a motion to adjourn or for a call of the House is in order; and if upon either of said motions a quorum shall vote and the House refuses to adjourn or to order a call, the session of the committee is immediately resumed.—*Journals*, 2, 27, p. 592; 1, 29, p. 356; 2, 29, p. 343; 2, 32, p. 388. *Record*, 3, 46, p. 1629.

It will be noted that when the Committee of the Whole is found without a quorum, the roll is called without a motion therefor, and the committee rises without a motion to rise. The practice, in accordance with the opinion expressed by the Speaker (2d session, 53d Congress), is to require the roll to be called and the absentees reported when a quorum of the committee fails to vote on any pending question.

The absence of a quorum being disclosed in Committee of the Whole, the roll is called but once.—*Journal*, 2, 53, p. 237.

## PARLIAMENTARY PRACTICE IN.

The Speaker can not rule in regard to what occurs in Committee of the Whole unless reported by the committee to the House for such decision.—*Journals*, 2, 49, p. 381; 2, 45, p. 81. *Globe*, 39, p. 528. *Journals*, 2, 49, p. 384; 1, 50, p. 623. *Record*, May 17, 1890, *Fifty-first Congress*.

It was the practice formerly for a Committee of the Whole to rise and report questions of order for the decision of the Speaker or of the House, and not to entertain appeals from the Chair to the committee.—*Journal*, 1, 41, p. 945.

The later practice has been to submit appeals to the committee, instead of reporting the question to the House.

No previous question can be put in committee, nor can this committee adjourn as others may (*Manual*, p. 124), nor can the yeas and nays be taken (*Globe*, 1, 28, p. 618; 1, 26, p. 285), nor can a motion to lie on the table be entertained (*Globe*, 2, 31, p. 645), nor motions to reconsider.—*Globe*, 1, 27, p. 305.

General appropriation, tariff, and tax bills are considered by *clauses* or *paragraphs*; other bills by *sections*.

Where a bill is being considered by clauses or sections, and the committee has passed from the consideration of a particular clause or section, it is not in order to recur thereto.—*Globe*, 2, 32, p. 730; 2, 35, p. 1422.

A negative vote on a motion in Committee of the Whole

## PARLIAMENTARY PRACTICE IN—Continued.

that a bill be reported favorably to the House does not amount to a decision that the bill be adversely reported.—*Journal*, 1, 46, pp. 421, 422.

Bills other than general appropriation bills are usually considered by sections, and it has been held in order to close debate on a whole section which contained numerous paragraphs relating to different subjects.—*See decision respecting river and harbor bill (Record*, 2, 48, p. 1605).

A Committee of the Whole having reported a bill to the House, the Speaker can take no cognizance of alleged irregularity in its consideration in Committee of the Whole.—*Record*, 2, 49, p. 1059. See instance where accuracy of Chairman's report was questioned.—*Journal*, 1, 54, pp. 471, 472.

Pending consideration in Committee of the Whole of an appropriation bill by paragraphs for amendment, but before the reading of all the paragraphs has been completed, an amendment striking out all after the enacting clause and inserting a substitute was proposed and debated. Held, that, no further amendment being proposed to the text of the bill, it was in order to vote on the substitute without reading the remaining paragraphs.—*Record*, 2, 49, p. 1059.

## COMMITTEE OF WHOLE, TO CLOSE DEBATE IN.

*The committee may, by the vote of a majority of the Members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph to a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment, to be decided without debate.—Rule XXIII, clause 6.*

*When general debate is closed by order of the House, any Member shall be allowed five minutes to explain any amendment he may offer, after which the Member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.—Rule XXIII, clause 5.*

## TO CLOSE DEBATE IN—Continued.

The following is the form of resolution (sanctioned by long practice) for closing the hour debate, viz: "*Resolved*, That all debate in the Committee of the Whole House on the state of the Union (or Committee of the Whole House, as the case may be) on (here insert title of bill or subject upon which it is proposed to close debate) shall cease (here insert time at which it is proposed to close debate) when its consideration is next resumed." The proposition to close debate may be made at any time, taking precedence even of a motion to go into Committee of the Whole; but to be in order at all, the subject upon which it is proposed to close debate must have been previously taken up and considered by the committee.—*Journal*, 1, 32, p. 147. This rule is construed to apply as well to messages as bills; indeed, to all subjects committed.—*Journal*, 1, 32, p. 146. And debate may be closed upon any one of the subjects referred to in a message.—*Journal*, 1, 32, p. 147.

It is not in order for the House to limit general debate on *part* of a bill pending in Committee of the Whole.—*Journal*, 1, 50, p. 2507.

Debate having been closed at a particular hour by order of the House, it is not competent for the committee, even by unanimous consent, to extend the time.—*Globe*, 2, 32, pp. 784, 785.

There is no previous question in Committee of the Whole, and general debate can regularly be closed only by order of the House, which order is usually made pending the motion that the House resolve itself into committee. It is quite common, however, for debate to be limited by unanimous consent of the committee.

If the committee shall amend a clause and subsequently strike out the clause as amended, the first amendment thereby falls, and can not be reported to the House and voted on.—*Journal*, 2, 31, p. 346. So, too, if the committee shall amend a bill ever so much and subsequently adopt a substitute therefor, the bill is to be reported to the House with but a single amendment, viz, the substitute; and the House has only to choose between the original and the substitute.

In the Committee of the Whole, a motion to rise, like the motion to adjourn in the House, may be made at any time; and

when at the rising a Member is entitled to the floor, he is entitled to occupy it in preference to any other Member at the next sitting of the committee.—*Globe*, 1, 31, pp. 358, 388. And a Member occupying the floor may yield it to another Member to move that the committee rise, without losing his right to occupy it at the next sitting.—*Globe*, 2, 31, p. 645. The motion to rise may be withdrawn at any time before the vote thereon is announced.—*Globe*, 1, 31, p. 318.

#### REPORTS FROM COMMITTEE OF THE WHOLE.

The following are the usual forms of report by the chairman of the Committee of the Whole, viz:

“The Committee of the Whole House on the state of the Union, having had under consideration [here insert the title of bill or other matter], have directed me to report the same with [or without, as the case may be] amendments.”

Where the committee have failed to complete the consideration of the matter before them, instead of saying “have directed me to report,” etc., say “have come to no resolution thereon.”

Where the committee have risen for want of a quorum, instead of saying “have directed me to report,” etc., say “having found itself without a quorum, I caused the roll to be called, and herewith report the names of the absentees to the House.”

In case of reports from a Committee of the Whole House, omit the words “on the state of the Union” where they first occur, and strike out the words “state of the Union” where they next occur, and insert “*Private Calendar*.”

The report of the chairman of the Committee of the Whole is received immediately upon the rising of the committee, and under the practice the bill or other proposition reported is the business then in order for the consideration of the House.—*Journal*, 1, 35, pp. 814, 822.

Amendments reported from the Committee of the Whole inconsistent one with the other must, nevertheless, be severally voted on in the House in the order in which they are reported.—*Journal*, 2, 53, p. 129.

Where an amendment is reported from the Committee of the

## REPORTS FROM—Continued.

Whole as an entire and distinct proposition, it can not be divided, but must be voted upon as a whole.—*Journals* 1, 28, p. 1061; 1, 29, pp. 366, 642; 1, 30, p. 1059; 2, 30, pp. 574, 575; 2, 46, p. 816.

It is never *in order* to move to discharge a Committee of the Whole from the consideration of a bill before the committee has reported a recommendation respecting it, unless possibly in the case of an erroneous reference to the Committee of the Whole.—*See Journal*, 2, 45, p. 619.

A bill being reported from a Committee of the Whole with the recommendation that the enacting clause be stricken out, a motion to lay the bill on the table was held not in order.—*Journal*, 1, 43, p. 629.

The recommendation of a Committee of the Whole that the enacting clause be stricken out was held to be subject to debate in House.—*Journal*, 2, 53, pp. 21, 22.

A recommendation reported from a Committee of the Whole, which, if carried into effect would change the rules of the House is not in order; and a bill reported with such recommendation remains in the Committee of the Whole, the report being practically a nullity.—*Record*, 1, 51, p. 3504.

The effect of a refusal of the House to concur in a recommendation to strike out the enacting clause is to return the bill to the Committee of the Whole. But it is otherwise when the recommendation is to strike out all after the enacting clause, it being in order in the latter case to proceed in the House with the consideration of the original bill.—*Record*, 2, 49, p. 1060.

## COMMITTEE OF THE WHOLE, CHAIRMAN OF.

*In all cases, in forming a Committee of the Whole House, the Speaker shall leave his chair after appointing a chairman to preside, who shall, in case of disturbance or disorderly conduct in the galleries or lobby, have power to cause the same to be cleared.*—Rule XXIII, clause 1.

The chairman of the Committee of the Whole has power to administer oaths to witnesses in any case under its examination.—*R. S.*, sec. 101.

The duties of the chairman of a Committee of the Whole are analogous to those of the Speaker, and so far as relates to



CHAIRMAN OF—Continued.

recognition, debate, questions of order, and the preservation of order, he has all the authority of the Speaker, excepting that he may not enforce order on the floor by directing the interposition of the Sergeant-at-Arms. It is his duty to take notice as well of any standing or special order of the House, as of the rules; as, for instance, when the hour or time arrives when the House is to take a recess or proceed to the consideration of another question or proposition, he must vacate the chair and report to the House any action that may have been taken by the committee.

#### COMPENSATION.

*The Sergeant-at-Arms \* \* \* keep the accounts of the pay and mileage of Members and Delegates, and pay them as provided by law.—Rule IV, clause 1.*

*The Clerk \* \* \* shall pay to the officers and employes of the House of Representatives on the last day of each month the amount of their salaries that shall be due them; and when the last day of the month falls on Sunday he shall pay them on the day next preceding.—Rule III, clause 3.*

Representatives shall receive a compensation for their services, to be ascertained by law and paid out by the Treasury of the United States.—*Const., 1, 6, 1, 5.*

The salaries of Members begin on the 4th of March next succeeding the general election, and are paid monthly on the 3d of each month thereafter during the term of two years.

When a Member is elected to fill a vacancy caused by death or resignation, his salary is computed from the time the vacancy occurred.

When a contesting Member is seated his salary is paid him for the entire term up to the day on which he is declared entitled thereto, however short the period of actual service as a Member.

A Member who is unseated in a contest retains the compensation he has received and is paid his salary to the day on which he is declared not elected.

The compensation of each Senator, Representative, and Delegate in Congress shall be five thousand dollars per



annum, to be computed from the first day of the present Congress, and, in addition thereto, mileage at the rate of twenty cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session; but nothing herein contained shall affect mileage accounts already accrued under existing laws: *Provided*, That hereafter mileage accounts of Senators shall be certified by the President of the Senate, and those of Representatives and Delegates by the Speaker of the House of Representatives: *And provided further*, That the pay of the Speaker shall be eight thousand dollars per annum.—14 Stat. L., pp. 333, 334.

The foregoing act was revived by the act of January 20, 1874, repealing the increase of salaries of Members, etc.—*Sess. Laws*, 1, 43, p. 4.

Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives in accordance with the provisions of section thirty one may receive their compensation monthly from the beginning of their term until the beginning of the first session of each Congress, upon a certificate in the form now in use, to be signed by the Clerk of the House, which certificate shall have the like force and effect as is given to the certificate of the Speaker under existing laws.—*R. S.*, sec. 38, and *Laws*, 2, 43, p. 316.

The Clerk of the House of Representatives is authorized and directed to sign, during the recess of Congress after the first session and until the first day of the second session, the certificates for the monthly compensation of Members and Delegates in Congress, which certificates shall be in the form now in use, and shall have the like force and effect as is given to the certificate of the Speaker.—19 Stat. L., p. 145.

So much of section 38, R. S., as requires the Clerk of the House of Representatives to omit from the pay roll of Representatives and Delegates elect to Congress those whose election may be contested is repealed by the act of March 3, 1875.—18 Stat. L., p. 389.

The compensation of Members and Delegates shall be passed as public accounts, and paid out of the public Treasury.—*R. S.*, sec. 46.

The moneys which have been or may be appropriated for the compensation and mileage of Members and Delegates shall be paid at the Treasury on requisitions drawn by the Sergeant-at-Arms of the House of Representatives, and shall be kept, disbursed, and accounted for by him according to law, and he shall be a disbursing officer, but he shall not be entitled to any compensation additional to the salary now fixed by law.—  
26 Stat. L., p. 645.

When any person who has been elected a Member of or Delegate in Congress dies after the commencement of the Congress to which he has been elected, his salary shall be computed and paid to his widow, or, if no widow survive him, to his heirs at law, for the period that has elapsed from the commencement of such Congress, or from the last payment received by him to the time of his death, at the rate of \$5,000 a year, with any traveling expenses remaining due for actually going to or returning from any session of Congress.—*R. S., sec. 49, and Laws, 1, 43, p. 4.*

Salaries allowed under the preceding section shall be computed and paid in all cases for a period of not less than three months from the commencement of the Congress.—*R. S., sec. 50.*

Whenever a vacancy occurs in either House of Congress, by death, or otherwise, of any Member or Delegate elected or appointed thereto after the commencement of the Congress to which he has been elected or appointed, the person elected or appointed to fill it shall be compensated and paid from the time that the compensation of his predecessor ceased.—*R. S., sec. 51.*

Whenever any appropriation made for the payment of the salaries of Senators, Members, and Delegates in Congress, or the officers and employés of both or either of the Houses thereof, or for the expenses of the same, or any committees thereof, can not be lawfully disbursed by or through the officers specially charged with such disbursements, such disbursements may be made for the purposes named in said appropriations by the Treasurer of the United States, who shall take proper vouchers therefor and charge such disbursements against such appropriations; and the accounts therefor shall be audited and passed or rejected, as the law may require, in the same man-

ner that similar accounts are or may be required by law to be audited and passed or rejected.—*Sess. Laws, 1, 47, p. 108, act of June 22, 1882.*

The salary and accounts for traveling expenses in going to and returning from Congress of Senators shall be certified by the President of the Senate, and those of Representatives and Delegates by the Speaker of the House of Representatives.—*R. S., sec. 17.*

The certificate given pursuant to the preceding section shall be conclusive upon all the Departments and offices of the Government.—*R. S., sec. 48.*

The Secretary of the Senate and Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payments of each Member or Delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family.—*R. S., sec. 40.*

When any Member or Delegate withdraws from his seat and does not return before the adjournment of Congress, he shall, in addition to the sum deducted for each day, forfeit a sum equal to the amount which would have been allowed by law for his traveling expenses in returning home; and such sum shall be deducted from his compensation, unless the withdrawal is with the leave of the Senate or House of Representatives, respectively.—*R. S., sec. 41.*

When any book is ordered to and received by any Member or Delegate, by a resolution of either or both Houses of Congress, the price paid for the same shall be deducted from the compensation of such Member or Delegate; except books ordered to be printed by the Congressional Printer during the Congress for which the Member or Delegate was elected.—*R. S., sec. 42.*

No Member or Delegate is entitled to any allowance for newspapers.—*R. S., sec. 43.*

No contestee or contestant for a seat in the House of Representatives shall be paid exceeding two thousand dollars for expenses in the election contest, and before any sum whatever shall be paid to a contestant or a contestee for expenses of

election contest, he shall file with the clerk of the Committee on Elections a full and detailed account of his expenses, accompanied by the vouchers and the receipt for each item, which account and vouchers shall be sworn to by the parties presenting the same, and no charges for witness fees shall be allowed in said account unless made in strict conformity to section one hundred and twenty-eight, Revised Statutes of the United States, *20 Stat. L., p. 400.*

The compensation of officers and employes of the House as fixed by law or resolution is paid by the Clerk by warrant on the Treasurer of the United States.

#### CONCURRENCE.

The question which first arises on a resolution, amendment, or conference report is on concurrence. And as the negative of concurrence amounts to the affirmative of nonconcurrence, *i. e.*, disagreement, no question is afterward put on the latter motion.

The House may concur in some of the Senate amendments and disagree to others, or it may concur in an amendment with an amendment thereto. In the latter event the vote must first be taken on concurring in the amendment with the proposed amendment thereto, for if the vote be first taken on concurrence, however the question be decided, the action would be final, and the vote on the proposed amendment to the amendment would be precluded.

A motion to refer Senate amendments to a committee takes precedence over the motion to concur, for, otherwise, the refusal to concur being equivalent to nonconcurrence, the matter would in either event be concluded and the House precluded from committing the subject should it so desire.—*Record, 1, 48, p. 3912.*

Senate amendments to House bills which require consideration in the Committee of the Whole must be referred in the first instance to a standing or select committee of the House pursuant to *Rule XI*; but amendments of the Senate which do not require consideration in Committee of the Whole may be immediately acted on when laid before the House, and may be concurred in, disagreed to, or concurred in with amendments,

as the House may desire.—*Journal*, 2, 52, pp. 68, 79; *Record*, 2, 52, pp. 1150–1153; *Journal*, 1, 51, pp. 770–772.

A Senate amendment being before the House generally, the question would arise on concurrence even without a motion therefor, and if a demand for the previous question were entertained and the previous question ordered, the motion to amend would be cut off and the House brought to a direct vote on the Senate amendment. If, however, the previous question be not first demanded on concurring, the motion to amend would take precedence of the question of concurrence.

(*See Amendments between the two Houses.*)

#### CONFERENCE COMMITTEES.

*The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition. And there shall accompany every such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate.*—Rule XXIX.

It is on the occasion of amendments between the Houses that conferences are usually asked; but they may be asked in all cases of difference of opinion between the two Houses on matters depending between them.—*Manual*, p. 175. A conference committee, under the usage, consists of three Members of the Senate and three Members of the House; but on the occasion of measures of unusual importance a greater number of conferees is sometimes appointed by each House.—*Journals*, 2, 47, p. 521; 1, 51, p. 1047; 2, 53, p. 470.

A committee of conference is practically two distinct committees, each of which acts by a majority.—*Journal*, 1, 30, p. 1283; 15 vol. *Globe*, 1179.

The usual course of proceeding previous to a conference is for one House to disagree to the other's amendment, and for the amending House to insist upon its amendment and ask a conference.—*Journals*, 1, 35, pp. 711, 933, 1062. But it sometimes happens, near the close of the session, that one House disagrees to the other's amendment and thereupon asks a conference.—*Journals*, 1, 3, pp. 221, 222; 2, 35, p. 564. (*See Senate*

*Journal*, 2, 42, p. 850, *H. R.* 1; *Ibid.*, p. 1003, *H. R.* 2705; and 3, 45, p. 433, *H. R.* 6471. See also proceedings in the Senate, *H. R.* 2228, 1, 48, *Record*, vol. 67, pp. 3974, 3975, 3976, and 4098, 4099, 1004, and 1101.) A conference sometimes takes place after one House has adhered.—*Journals*, 1, 3, pp. 281, 283; 2, 3, p. 254; 1, 34, pp. 1600, 1602; 1, 35, pp. 604, 615, 620; *Senate Journal*, January 20, 1834; *Manual*, p. 176.

In the ordinary parliamentary course there are two free conferences at least before an adherence. There are sometimes three and even four conferences before a matter of difference is disposed of.—*Journals*, 1, 34, pp. 943, 1600; 1, 35, p. 1136.

A report on Senate amendments does not present a privileged question until there has been a disagreement by the House to such amendments, even though the Senate has requested a conference thereon.—*Record*, 1, 49, p. 7333.

In the case of disagreeing votes between the two Houses, the House may either *recede*, *insist* and ask a conference, or *adhere*, and motions for such purposes take precedence in that order. (See *Manual*, p. 164; *Journals*, 1, 23, p. 229; 1, 34, pp. 1516, 1518.)

Even though the previous question may be pending on a motion to *insist* or to *adhere*, a motion to *recede*, which removes the disagreement between the Houses and passes the bill, may be made, but in such case is not debatable.

A member of a conference committee who may be absent on the business of the committee is, according to the practice, understood to be absent by leave of the House.

Where a conference committee is unable to agree, that fact is reported, and another committee is usually asked for and appointed.—*Journals*, 1, 31, p. 1681; 1, 34, pp. 838, 919, 1516, 1518; 3, 34, p. 663; 1, 35, p. 1118.

So, too, when a report is disagreed to, another conference usually takes place.—*Journals*, 2, 27, p. 1248; 3, 34, pp. 653, 655; 1, 35, pp. 1105, 1106.

The proceedings when there has been a disagreement between the two branches of a legislative body are different in many respects from the proceedings in other cases. The paramount object of all such proceedings is to bring the two branches to an agreement. Therefore, either may, without reconsidering previous votes, take action in a directly opposite direction. For

instance, the House may refuse to concur in an amendment and afterward insist again and again upon its disagreement to the amendment, and yet it may ultimately, without reconsidering any of these votes, recede absolutely from its disagreement, or recede from it with an amendment, as its judgment may dictate. And while it is competent under the recent practice of the House to instruct conference committees, still the House in that case, as in the other, may ultimately recede from its disagreement to the very amendment in regard to which it had instructed its conferees to insist on a disagreement; and that may be done with or without a conference report upon the subject. The whole effect of the conference report in such a case is to bring the matter again directly before the body for its consideration and action, and does not bind the House at all. The House may refuse to agree to it, in which case the whole subject is again open; and the House may absolutely recede from its disagreement to the Senate amendment, or recede and agree thereto with an amendment.—*Record*, 1, 49, p. 7826.

The House having disagreed to amendments of the Senate to a House bill, and a conference on the disagreeing votes having been ordered, it is competent for the House, pending the conference, to discharge its conferees from further consideration of the bill and amendments and recede from its disagreement to such amendments.—(*Tariff bill*, August 13, 1894;) *Journal*, 2, 53, pp. 563, 564.

The request for a conference must always be by the House which is possessed of the papers.—*Manual*, p. 176.

In all cases of conference asked after a vote of disagreement, etc., the conferees of the House asking it are to leave the papers with the conferees of the other.—*Manual*, p. 177.

When a conference committee makes a report the effect is to dissolve the committee.—*Record*, 2, 49, p. 880.

When a committee of conference reports a disagreement a resolution to insist and ask a further conference is in order immediately after such report is read.—*Journal*, 1, 52, p. 230.

A committee of conference having reported a disagreement, a motion that the House insist, etc., and ask a further conference presents a privileged question.—*Journal*, 1, 52, p. 229.

When there has been a disagreement of a conference com-



mittee a further conference may be asked by either House, but the papers must be in the possession of the House asking the conference at the time the motion or resolution to that effect is presented for consideration.—*Journal*, 1, 52, p. 229.

**REPORTS OF CONFERENCE COMMITTEES.**

*The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition. And there shall accompany every such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate.*—Rule XXIX.

Under the practice reports of conference committees may be received at any time (except when the rules are suspended), even during the pendency of a motion to adjourn, and may interrupt a Member who is on the floor speaking.

A conference report takes precedence of a privileged question.—*Journal*, 1, 51, p. 1082.

The report of a conference committee must be signed by a majority of the Members of each House composing the said Committee.

The report of a committee of conference can not be amended or altered as that of another committee may be.—*Manual*, p. 176; *Journal Senate*, May 24, 1796.

The committee may report agreement as to some of the matters of difference, but inability to agree as to others.—*Journal*, 1, 29, p. 1302. In such a case, if the conference report is agreed to, the amendments undisposed of may be concurred in or disagreed to, or a further conference may be asked thereon.

A motion to recommit a conference report is not in order, for the reason that making a report has the effect of dissolving the committee; also for the reason that such reports are not subject to the rules governing ordinary proceedings, the only question in order, upon its presentation, being on agreeing to the report.—*Record*, 2, 49, p. 880.

If the committee of conference should embrace in its report to the House an agreement upon some proposition which would not have been in order in the House originally, a point of order could not be made against it. No point of order can be made



## REPORTS OF—Continued.

against any provision inserted in a conference report, except upon the ground that it changes or strikes out some provision previously agreed to by both Houses.—*Record*, 2, 50, p. 2454.

Amendments reported by a conference committee are in order, though not germane to the original measure, provided they are germane to the amendment which is the subject of disagreement.—*Record*, 1, 49, p. 7932.

Although the Senate had amended a bill of the House by striking out all after the enacting clause and inserting a different proposition in some respects yet having the same object in view, the question presented was not whether the provisions excepted to in the conference report were germane to the original House bill, but whether they were germane to the Senate amendment. In the opinion of the Chair they were clearly germane; for though different from the provisions contained in such amendment, they related directly to the same subjects, and under the common parliamentary law and practice might be made, by way of amendment, a substantially different proposition from that originally passed by the House.—*Record*, 1, 49, p. 7932.

A conference report is not subject to the point of order that it must be first considered in Committee of the Whole, even though it recommends legislation not previously considered by the House, which, if presented as an original proposition, would be subject to that point. The unbroken practice of the House has been to consider conference reports as presenting questions of the highest privilege, and as possessing peculiar qualities, such, for instance, as not being amendable or divisible, and which can not be laid on the table as other propositions. The main object of committing a proposition to the Committee of the Whole House on the state of the Union is to afford the widest latitude for amendment and debate, and as a conference report could not be amended in the House it could not be sent to the Committee of the Whole for that purpose, but in all respects must be treated as an entirety, and adopted or rejected by a single vote.—*Journal*, 1, 49, p. 2515.

The point being made that a conference report contained matter not the subject of difference between the two Houses,

**REPORTS OF**—Continued.

**And** the question being submitted to the House by the Speaker, **the** House refused to receive it.—*Journal*, 1, 42, pp. 190, 191.

A conference report can not be laid on the table.—*Journal*, 2, 42, p. 1129. Nor is it in order to demand the reading of **the** engrossed bill at length upon presentation of a conference report.—*Journal*, 1, 44, p. 1423.

It is not for the Chair to determine whether the submission **of** a paper purporting to be a detailed statement of the effect **of** a conference report is sufficient compliance with the rule. **The** House may, if it desires, receive the report without any **detailed** statement whatever.—*Record*, 2, 49, p. 2437.

A conference report may be presented pending a motion to adjourn, subject, however, to the right of the House to refuse to consider it; and pending the consideration of such report a motion to adjourn is in order.—*Record*, 1, 51, p. 7880.

**INSTRUCTIONS TO CONFEREES.**

Conferees may be instructed by the House, but this course is not usual until they have made their first report.

The motion to insist, etc., takes precedence over the motion to instruct, but instructions to conferees are in order *after* the House has insisted and asked or agreed to a further conference and before the conferees are appointed.—*Record*, 1, 49, p. 7598.

A report by a conference committee making recommendations contrary to instructions of the House is not for that reason out of order, the proposition reported being still within the control of the House.—*Journal*, 1, 49, pp. 2458, 2459.

A resolution to instruct conferees may be offered before the House has voted to insist and ask a further conference; but the motion to recede and concur in the Senate amendments or to insist and ask a further conference have precedence over it in the order named.—*Record*, 1, 49, p. 7404. But where the House has taken action on the matter reported, as by insisting on its disagreement, asking a further conference, and appointing conferees, the subject is no longer before the House, and it is then too late to move an instruction to the conferees.—*Record*, 1, 49, p. 7405.

It was held not in order to move to instruct conferees to insist on a proposed amendment inconsistent with the text upon which both Houses have agreed.—*Record*, 2, 51, pp. 3610, 3611.

## CONGRESSIONAL CEMETERY.

By the act of May 12, 1876 (*Sess. Laws, 1, 44, p. 54*), it is provided:

That hereafter, whenever any deceased Senator or Member of the House of Representatives shall be actually interred in the Congressional Cemetery, so called, it shall be the duty of the Sergeant-at-Arms of the Senate, in the case of a Senator, and of the Sergeant-at-Arms of the House of Representatives, in the case of a Member of the House, to have a monument erected, of granite, with suitable inscriptions, and the cost of the same shall be a charge upon and paid out either from the contingent funds of the Senate or the House of Representatives, to whichever the deceased may have belonged, and any existing omissions of monuments or inscriptions, as aforesaid, are hereby directed and authorized to be supplied in like manner; and all laws upon the subject of monuments in the Congressional Cemetery are hereby repealed.

## CONGRESSIONAL DIRECTORY.

The Congressional Directory contains a list of the Senators and Members, also a short biographical sketch of each, showing the district represented, vote by which Representatives are elected, and the term of office of Senators; also a list of the officers of each House and of the more important officers of the Government, with a statement of the principal functions of the several executive bureaus. It also contains a list of the diplomatic and consular officers of the United States, and of the ambassadors and ministers from other countries to the United States, together with useful information local to the seat of Government.

A Congressional directory shall be compiled at each session of Congress, under the direction of the Joint Committee on Printing, and the first edition for each session shall be ready for distribution within one week after the commencement thereof.—*R. S., secs. 77 and 3801.*

It shall be lawful for the Public Printer, under the direction of the Joint Committee of the Senate and House of Representatives on Printing, to print for sale, at a price sufficient to reimburse the expenses of such printing, the current Congressional Directory and the current numbers of the Congressional Record. The money derived from such sales shall be paid

into the Treasury monthly to the credit of the appropriation for public printing, and no sale shall be made on credit.—*22 Stat. L., p. 642.*

## CONGRESSIONAL RECORD.

*(For table of volumes see Appendix.)*

*When a bill, resolution, or memorial is introduced "by request," these words shall be entered upon the Journal and printed in the Record.—Rule XXII, clause 4.*

*Messages received from the Senate and the President of the United States, giving notice of bills passed or approved, shall be entered in the Journal and published in the Record of that day's proceedings.—Rule XLI.*

*All reports of committees, except as provided in clause 57 of Rule XI, together with the views of the minority, shall be delivered to the Clerk for printing and reference to the proper Calendar under the direction of the Speaker, in accordance with the foregoing clause, and the titles or subjects thereof shall be entered on the Journal and printed in the Record.—Rule XIII, clause 2.*

*Members having petitions or memorials or bills of a private nature to present may deliver them to the Clerk, indorsing their names and the reference or disposition to be made thereof; and said petitions and memorials and bills of a private nature, except such as, in the judgment of the Speaker, are of an obscene or insulting character, shall be entered on the Journal with the names of the Members presenting them, and the Clerk shall furnish a transcript of such entry to the official reporters of debates for publication in the Record.—Rule XXII, clause 1.*

The Public Printer shall furnish the Congressional Record as follows, and shall furnish gratuitously no others in addition thereto:

To the Vice-President and each Senator, forty-four copies; and to the Secretary and Sergeant-at-Arms of the Senate, each twenty copies, and to the Secretary for office use ten copies; to each Representative and Delegate, thirty copies, of which number eight copies shall be sent by the Superintendent of Documents one each to such public or school libraries other than designated depositories as shall be designated for this

purpose by each Representative and Delegate in Congress, and to the Clerk and Doorkeeper of the House, each twenty copies, and to the Clerk, for office use, ten copies; to be supplied daily as originally published or in the revised and permanent form bound only in half Russia, or part in each form, as each may elect.

To the Vice-President and each Senator, Representative and Delegate there shall be furnished two copies of the daily Record, one to be delivered at his residence and one at the Capitol.

To the President, for use of the Executive Office, four copies of the daily and one bound copy.

To the Chief Justice and each of the associate justices of the Supreme Court of the United States, the marshal and clerk of the said court, one daily and one bound copy.

To the governor of each State and Territory, one copy of the daily and one bound copy of the Record.

To the Official Reporter of the Senate and each of his assistant reporters, and to the official reporters of the House, each two copies of the daily and one copy of the bound Record.

To the superintendent of the Senate and House document rooms, each one copy of the daily and one bound copy.

To the Library of Congress, forty-five bound copies.

To the Senate and House libraries, ten bound copies to each.

To the library of each of the eight Executive Departments, and to the Naval Observatory, Smithsonian Institution, and the United States National Museum, one bound copy.

To the Soldiers' Home, and to each of the National Homes for Disabled Volunteer Soldiers, and to each of the State Soldiers' Homes established for either Federal or Confederate soldiers, one copy of the daily.

To the Superintendent of Documents, five hundred bound copies for distribution to depositories of public documents.

To each of our legations abroad, one copy of the daily Record, to be sent through the Secretary of State.

To each foreign legation in Washington whose Government extends a like courtesy to our legations abroad, one copy of the daily Record, to be sent through the Secretary of State and furnished upon his requisition.

The Public Printer is authorized to furnish to subscribers the daily Record at eight dollars for the long and four dollars for the short session, or one dollar and fifty cents per month, payable in advance. The "usual number" of the Congressional Record shall not be printed.

There shall be reserved by the Public Printer from the quota of each Member of Congress and Delegate one copy of the Congressional Record in unstitched form, to be delivered to each Member or Delegate; and there shall be furnished to each standing committee of Congress one copy, which copies for Members and committees shall be bound promptly in paper when each semimonthly index shall be issued, and shall be delivered without delay.—28 *Stat. L.*, p. 617.

The Congressional Record contains a stenographic report, made by the official reporters of debates, of the daily proceedings of the two Houses of Congress.

It is the successor to the Congressional Globe, the publication under the present title commencing March 4, 1873. The edition for each session is denominated a "volume," though each consists of a number of separate volumes styled "parts," the pages being numbered consecutively from the beginning to the end of a session without respect to separate bound *parts*. In the two libraries of the House of Representatives these so-called *parts* have been, for the sake of convenience, serially numbered, each as a separate volume. Vol. 1, Part 1, being numbered Vol. 1; Vol. 1, Part 2, being numbered Vol. 2, and so on down; the entire series at the close of the Fifty-second Congress amounting to 132 such volumes.

The Joint Committee [on Printing] shall have control of the arrangement and style of the Congressional Record, and while providing that it shall be substantially a verbatim report of proceedings, shall take all needed action for the reduction of unnecessary bulk, and shall provide for the publication of an index of the Congressional Record semimonthly during the sessions of Congress and at the close thereof.

The Joint Committee [on Printing] shall designate to the Public Printer a competent person to prepare the semimonthly and session index to the Congressional Record, and shall fix and regulate the compensation to be paid by the Public Prin-

ter for the said work and direct the form and manner of its publication and distribution.—28 *Stat. L.*, p. 601.

The following rules for the publication of the Congressional Record were adopted by the Joint Committee on Printing on May 5, 1886, first session Forty-ninth Congress:

First. When copy is taken out for revision by Senators, Representatives, or Delegates it should be returned to the Government Printing Office not later than 12 o'clock midnight, in order to insure its publication in the Record on the morning following; and if said copy is not furnished at the time specified, the Public Printer is authorized to withhold it from the Record for one day, and in no case will a speech be printed in the Record on the day after its delivery if the copy be furnished later than 12 o'clock midnight.

Second. The copy of speeches containing large tabular statements to be published in the Record should be in the hands of the Public Printer not later than 6 o'clock p. m. on the day prior to their publication.

Third. Proofs of "leaves to print" and advance speeches will not be furnished on the night of the day on which the copy is received, but will be sent on the following day, should it be possible to do so without causing delay to the publication of the regular proceedings of Congress.

Fourth. Corrections in speeches for the bound edition of the Record should be sent to the Public Printer within four days after the delivery of the speech to be corrected, as it is then stereotyped.

Fifth. If copy or proofs have not been returned within the time above mentioned, the Public Printer will insert the words, "Mr. ——— withholds his remarks for revision, and they will appear hereafter," and proceed with the printing of the Record.

Sixth. The Public Printer is not authorized to insert any maps or diagrams in the Record without the approval of the Joint Committee on Printing. All requests for such approval should be referred to the Joint Committee on Printing, and may be submitted to the chairman of the Committee on Printing on the part of the Senate or of the House, in whichever the speech illustrated may have been delivered, and no maps or diagrams shall be inserted that exceed in size a page of the Record.

Seventh. The Public Printer will arrange the contents of the Record as follows: First, the Senate proceedings; second, the House proceedings; third, the speeches withheld for revision: *Provided*, That should the copy of the regular proceedings, either in the Senate or in the House, be delayed, the Public Printer is authorized to at once begin the make-up, on the first page, with either Senate or House proceedings or with such speeches as are on file, giving precedence to those first received, in their order.

On the 3d March, 1873, the following preamble and resolution were agreed to, viz:

Whereas the present contract for publication of the debates expires with this session; and whereas the sundry civil appropriation bill, about to

become a law, provides that until a new contract be made the debates shall be printed by the Congressional Printer, but makes no provision for reporting, leaving each House to adopt such arrangements on that subject as it may deem best: Therefore,

*Resolved*, That the report of the House proceedings and debates shall be furnished to the Congressional Printer by the present corps of Globe reporters, who shall hereafter, until otherwise ordered, be officers of the House, under the direction of the Speaker, who shall receive the same compensation now allowed to the official reporters of committees.—*Journal*, 3, 42, pp. 582, 583.

Any matter affecting or touching the official record of debates in the House presents a question of privilege.—*Journal*, 2, 48, pp. 73, 74.

It is a violation of the rules of the House to print in the Record papers accompanying a message of the President, unless ordered by the House.—*Journal*, 1, 54, p. 133.

Errors occurring in the Record are usually corrected by a memorandum handed to the official reporters. But such errors, if deemed sufficiently important, may be corrected in open House, the time usually selected for that purpose being immediately after the reading and approval of the Journal. A correction will usually be too late for the permanent edition of the Record, unless made within four days after the issue of the daily Record.

It shall be lawful for the Public Printer to print and deliver, upon the order of any Senator or Member of the House of Representatives, or Delegate, extracts from the Congressional Record, the person ordering the same paying the cost thereof.—23 Stat. L., p. 606.

#### CONSIDERATION.

*When any motion or proposition is made, the question, Will the House now consider it? shall not be put unless demanded by a Member.*—Rule XVI, clause 3.

Any motion made and entertained respecting a proposition, such as to amend, to commit, or even to postpone, or any debate thereon, constitutes consideration in a parliamentary sense.

A motion to recommit is one mode of consideration, and when a bill is being considered in the House as in Committee of the Whole it is in order at any time to move to recommit the bill thus being considered.—*Journal*, 1, 52, p. 32.

And it is competent for a Member to raise the question of consideration upon a report even though a question of privi-



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lege is involved in the report.—*Journal* 1, 35, pp. 1083, 1085. But after a question has been stated, and its discussion commenced, it is too late to raise the question of consideration.—*Journal*, 1, 17, pp. 296, 297.

It is always in the power of the House to decide, if it so chooses, that it will not proceed to take up the consideration of any particular matter.—*Record*, 1, 50, p. 2514.

The House never deprives itself of the right to determine whether it will or will not consider a question.—*Record*, 2, 49, p. 1684.

When a special order has been made setting apart a day for a certain class of business, on the day so set apart the question of consideration can not be raised against the class of business mentioned in the special order. It may be raised, however, against each bill therein embraced, as it comes up in its order.—*Journal*, 2, 47, p. 1540; *Record*, 1, 49, p. 7335. So, even when a day is set apart for the consideration of a single bill, the question of consideration may on that day be demanded against such bill.—*Journal*, 1, 49, p. 2297; 2, 49, p. 581. It follows that if the House refuses to consider a bill on the day so set apart, it may then proceed to the consideration of other business, as on other days.

When a special order provides that, immediately upon its adoption, the House shall proceed to consider a measure, the question of consideration is in effect decided affirmatively by the adoption of the order.—*Journal*, 2, 53, pp. 484, 485.

The question of consideration can be demanded against any proposition presented by the Committee on the District of Columbia on the second and fourth Mondays.—*Journal*, 2, 50, p. 239.

The question of consideration can not be demanded against unfinished business on which the yeas and nays have been previously ordered, but which, by reason of an adjournment, were not taken.—*Journal*, 1, 51, p. 941.

The question of consideration can not be raised against a motion relating to the order of business.—*Journal*, 1, 51, p. 103; *Record*, 1, 51, p. 433.

The question of consideration can not be demanded against a motion to resolve into Committee of the Whole generally, or

for the purpose of considering a certain class of business (*Journals*, 2, 52, p. 56; 2, 53, p. 145), opposition to the consideration of such business being available by voting down the motion.

The previous question having been ordered on the third reading of two bills, and the same coming up on a subsequent day as unfinished business, the bill which has been first considered is first in order. The question of consideration may, however, be raised, inasmuch as the House should have the right to determine which bill should be first considered.—*Record*, 1, 48, p. 5543.

A privileged report retains its privileged character until disposed of, notwithstanding an intervening adjournment. It is subject, however, when again called up, to the question of consideration and to questions of higher privilege.—*Record*, 1, 49, p. 7602.

The point that a bill should be first considered in Committee of the Whole may be made after the House has, by a vote, determined to consider it, if such consideration has not actually commenced.—*Journal*, 1, 51, p. 331.

*See Laws*, 2, 44, p. 252.

It was held that the question of consideration can not be demanded against a bill returned to the House with the objections of the President.—*Journal*, 2, 53, p. 312.

#### COURT OF CLAIMS.

(*See Claims, Court of*, page .)

#### DEAF AND DUMB, COLUMBIAN INSTITUTION FOR.

In addition to the directors, whose appointment has heretofore been provided for by law, there shall be three other directors of the Columbian Institution for the Instruction of Deaf and Dumb, appointed in the following manner: One Senator by the President of the Senate and two Representatives by the Speaker of the House. These directors shall hold their offices for the term of a single Congress, and be eligible to a reappointment.—*R. S.*, sec. 4863.

## DEBATE.

## RECOGNITION IN.

*When any Member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality.*

*When two or more Members rise at once, the Speaker shall name the Member who is first to speak; and no Member shall occupy more than one hour in debate on any question in the House or in committee, except as further provided in this rule.—Rule XIV, clauses 1, 2.*

## DEBATE, WHO TO OPEN AND CLOSE.

*The Member reporting the measure under consideration from a committee may open and close, where general debate has been had thereon; and if it shall extend beyond one day, he shall be entitled to one hour to close, notwithstanding he may have used an hour in opening.—Rule XIV, clause 3.*

## DEBATE, CLOSED IN COMMITTEE OF THE WHOLE.

*The committee may, by the vote of a majority of the Members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment, to be decided without debate.—Rule XXIII, clause 6.*

## DEBATE, IN COMMITTEE OF THE WHOLE, WHEN CLOSED BY HOUSE.

*When general debate is closed by order of the House, any Member shall be allowed five minutes to explain any amendment he may offer, after which the Member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.—Rule XXIII, clause 5.*

## DEBATE, WHO MAY SPEAK.

*No Member shall speak more than once to the same question without leave of the House, unless he be the mover, proposer, or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every Member choosing to speak shall have spoken.—Rule XIV, clause 6.*

## DEBATE, MOTIONS, AND ORDER OF PROCEDURE IN.

*When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer, or to amend, or postpone indefinitely; which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.—Rule XVI, clause 4.*

## DEBATE, NOT ALLOWED BEFORE MOTION IS STATED.

*When a motion has been made, the Speaker shall state it or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.—Rule XVI, clause 2.*

## DEBATE, ON MOTION TO SUSPEND RULES.

*When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for forty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition, and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.—Rule XXVIII, clause 3.*

## DEBATE, TRANSGRESSION OF RULES IN.

*If any Member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any Member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another Member, to explain, and the House shall, if appealed to, decide on the case without debate; if the*

*decision is in favor of the Member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case require it, he shall be liable to censure or such punishment as the House may deem proper.—Rule XIV, clause 4.*

**DEBATE, WORDS SPOKEN IN, TAKEN DOWN.**

*If a Member is called to order for words spoken in debate, the Member calling him to order shall indicate the words excepted to and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.—Rule XIV, clause 5.*

**DEBATE, QUESTIONS DECIDED WITHOUT.**

*All questions relating to the priority of business shall be decided by a majority without debate.—Rule XXV.*

*Amendments to the title of a bill or resolution shall not be in order until after its passage, and shall be decided without debate.—Rule XIX.*

*All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.—Rule XVII, clause 3.*

*When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any Member, it shall be determined without debate by a vote of the House.—Rule XXXI.*

*Whenever a bill is reported from a Committee of the Whole with an adverse recommendation and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House; but before the question of concurrence is submitted it is in order to entertain a motion to refer the bill to any committee, with or without instructions, and when the same is again reported to the House it shall be referred to the Committee of the Whole without debate.—Rule XXIII, clause 7.*

**DEBATE, NOTICE OF, OR CRITICISMS OF PROCEEDINGS IN OTHER HOUSE, AGAINST ORDER IN.**

*Neither House can exercise any authority over a member or officer of the other, but should complain to the House of which he is, and leave the punishment to them. Where the complaint is of words disrespectfully spoken by a member of another House, it is difficult to obtain punishment, because of the rules supposed necessary to be observed (as to the imme—*



iate noting down of words) for the security of members. Therefore it is the duty of the House, and more particularly the Speaker, to interfere immediately, and not to permit expressions to go unnoticed which may give a ground of complaint to the other House, and introduce proceedings and mutual accusations between the two Houses, which can hardly be terminated without difficulty and disorder.—*Manual*, p. 132.

The theory on which the foregoing principle of parliamentary law is based is that all legislation in order to become law must receive the sanction of both Houses. Anything, therefore, which means misunderstanding between the two Houses—harsh criticism of the person or manner by the members of either branch of those of the other—would be likely to create friction and have a bad effect upon public legislation.—*Journal*, 1, p. 451.

#### DEBATE, PRIVILEGES OF THE FLOOR IN.

By parliamentary courtesy the Member upon whose motion a subject is brought before the House is first entitled to the floor.—*Journal* 2, 30, p. 247. So, too, it is an invariable practice of the Speaker, at every new stage of a bill or proposition to recognize first the Member who has had charge of it, even if another Member addressed him first, *provided* he is a competitor for the floor.

Members of the committee reporting a measure under consideration are, according to the practice, given precedence in debate; but when a member of such committee has occupied the floor for one hour in favor of the measure and no other member of that committee seeks the floor in opposition it is the practice to recognize a Member not on the committee to oppose the measure, although other members of the committee seek the floor to support it.

The mover, proposer, or introducer of a pending matter is not entitled in all cases, as in the case of "the Member reporting the measure," to close the debate.—*Record*, 1, 44, p. 3. It is too late to make the question of order that a Member may already spoken if no one claims the floor until he has made some progress in his speech.—*Journal*, 1, 29, p. 934.

Where an amendment is offered after a Member has occupied the floor, he may again occupy the floor, the question being changed.—*Journal*, 1, 28, p. 532.

A question or proposition should be stated by the Speaker or read by the Clerk before the commencement of debate thereon.—*Journal*, 2, 48, pp. 745, 746.



## DEBATE, PRIVILEGES OF THE FLOOR IN—Continued.

A Member having consumed an hour or controlled the floor for that period in his own right, in opening debate on a pending measure, and then (there having been no intervening debate in opposition) demanding the previous question, which is ordered, is not entitled to another hour to close the debate.—*Journal*, 2, 44, pp. 201, 202, 250; *Record*, 2, 44, pp. 708, 709.

No member shall occupy more than one hour in debate on a question of personal privilege.—*Journal*, 1, 51, p. 1013.

It is not in order under common parliamentary law and practice for a Member occupying the floor to yield to another Member and still retain the floor.—*Journal*, 1, 51, p. 209.

When a Member has the floor, however, for a definite period it has been the usage of the House, of long standing, to permit him to yield to others such portion of his time as he may see fit, reserving his right to reclaim the floor and occupy the remainder of his time.

The Member in charge of a measure does not lose control of it by the moving of a preferential motion by another Member.—*Journal*, 1, 54, p. 457.

The reading of a report upon a bill constitutes debate, and where debate has been limited the time occupied in its reading is deducted from the time allowed.

While a Member is occupying the floor he may yield it to another for explanation of the pending measure, as well as for personal explanation.—*Journal*, 1, 32, p. 524. So, too, he may yield it for a motion to adjourn, or that the committee rise without losing his right to reoccupy it for the remainder of his time whenever the pending question shall be resumed; but it is otherwise when he yields to enable another to offer or withdraw an amendment.

In Committee of the Whole on the state of the Union the Member is not bound to confine himself to the question under debate (*Globe*, 2, 30, p. 587; 1, 31, p. 1475; 1, 32, p. 1856) except where a special order is pending, when the debate must be confined strictly to the measure under consideration.

When a Member is called to order for transgression of rule in debate, he must take his seat.—*Journal*, 2, 51, p. 174.

For any speech or debate in either House Members shall not be questioned in any other place.—*Const.*, 1, 6, 1, 5.

A Member who, it is alleged, has transgressed the rules of the House as to debate must be called to order at once and the words excepted to indicated and taken down. It is too late to

## DEBATE, PRIVILEGES OF THE FLOOR IN—Continued.

make the point after debate or other proceedings has intervened.—*Journal*, 1, 51, p. 994.

When a Member is called to order and the words excepted to have been reported from the Clerk's desk, such Member may, on motion of another, be permitted to explain, after which he may be punished by the House.—*Journal*, 1, 51, p. 624.

In the Thirty-seventh Congress it was ordered that language used in debate, not in order, should not be reported or printed.—*Globe*, 1, 38, p. 3390; see also proceedings, June 29, 1864.

Though there is no positive order or rule of the House on the subject, the Speaker, following the above precedent, sometimes, but very rarely, directs that remarks out of order, or made by a Member not entitled to the floor, who persists therein after he is called to order, be omitted from the Record.

It was held that a Member is not entitled, as a matter of right, to inspect the original copy, from the reporters' notes, of remarks delivered by another Member which have been withheld for revision.—*Journal*, 2, 53, p. 435.

Citations or other matter not actually delivered in the course of debate, but simply referred to, can not be printed in the Record without consent of the House.—*Journal*, 1, 53, p. 114.

## DEBATE, WHEN IN ORDER AND WHEN NOT.

When a question is under debate, motions have precedence in the following order:

To adjourn,	}	Which are not debatable.
To lay on the table,		
For the previous question,		
To postpone to a day certain,	}	Which are debatable.
To refer or amend,		
To postpone indefinitely,		
(See Rule XVI, clause 4.)		

Pending the demand for the previous question on the passage of a bill, it is not in order to debate a motion to reconsider the vote on its third reading; but the vote must be taken without debate.—*Journal*, 1, 34, p. 1009. Nor pending such demand is it in order even to ask a question of the mover of the proposition.—*Journal*, 1, 28, p. 1003.

A motion to strike out the enacting clause of a bill is debatable in like manner as are other amendments.—*Journal*, 2, 53, pp. 21, 22.

Pending the vote on the demand for the previous question on agreeing to a resolution, it was held by Mr. Speaker Randall

that the motion to lay the resolution on the table was not in order, on the ground that no question was *under debate*, the demand for the previous question not being debatable.—*Journal*, 2, 45, p. 1090.

A motion to reconsider an undebatable motion is not debatable.—*Journal*, 2, 45, p. 592. But a motion to *suspend the rules* and agree to an undebatable motion—*e. g.*, a motion to lay on the table—is, pursuant to Rule XXVIII, subject to debate for forty minutes.—*Journal*, 2, 52, pp. 142, 143.

When the previous question has been ordered on a proposition, no debate having been had upon it in the form in which it is submitted, the question is debatable for forty minutes under the rule.—*Journal*, 2, 50, p. 384. What constitutes debate under this rule.—*Journal*, 1, 51, p. 555.

The word "proposition" as embodied in the rule was held to mean the "main question." Debate in Committee of the Whole has always been held to satisfy the rule. If the *subject* has had debate, the rule does not operate.—*Journal*, 1, 54, p. 534, 535.

Where there has been debate in Committee of the Whole on a proposition, further debate is precluded by the previous question, although there has been no debate in the House.—*Journal*, 1, 52, pp. 173, 174.

#### DEBATE, HOW LIMITED.

Debate on a proposition pending in the House can regularly be closed only by ordering the previous question.—*Journal*, 2, 47, p. 564.

A motion to close debate in the House on a particular section of a bill was by a vote of the House decided to be in order.—*Journal*, 2, 48, p. 127. [This decision is an exception to the established practice, under which the only method of closing debate in the House is by ordering the previous question, by a special order of the House, or by unanimous consent.]

General debate on a proposition pending in Committee of the Whole may, pursuant to Rule XXIII, clause 5, be closed by order of the House, the motion therefor being made pending the motion to resolve into committee. (*See Committee of the Whole, proceedings in.*)

Bills other than general appropriation bills are usually considered by sections, and a motion to close debate on a whole section, which contained numerous paragraphs relating to different subjects, has been held to be in order. (*See decision respecting river and harbor bill, Record*, 2, 48, p. 1605.)

It is not in order for the House to limit general debate on

part of a bill pending in Committee of the Whole.—*Journal*, 1, 50, p. 2507.

## DELEGATES.

*The Speaker shall appoint from among the Delegates one additional member on each of the following committees, viz: Coinage, Weights, and Measures; Agriculture; Military Affairs; Post-Office and Post-Roads; Public Lands; Indian Affairs; Private Land Claims, and Mines and Mining; and two on Territories; and they shall possess in their respective committees the same powers and privileges as in the House, and may make any motion except to reconsider.—Rule XII.*

Every Territory shall have the right to send a Delegate to the House of Representatives of the United States, to serve during each Congress, who shall be elected by the voters in the Territory, qualified to elect members of the legislative assembly thereof. The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly. Every such Delegate shall have a seat in the House of Representatives, with the right of debating, but not of voting.—*R. S., sec. 1862.*

The first election of a Delegate in any Territory for which a temporary government is hereafter provided by Congress shall be held at the time and places and in the manner the governor of such Territory may direct, after at least sixty days' notice, to be given by proclamation; but at all subsequent elections therein, as well as at all elections for a Delegate in organized Territories, such time, places, and manner of holding the elections shall be prescribed by the law of each Territory.—*R. S., sec. 1863.*

In the organization of the House, the names of Delegates are called over after those of Members, and before taking their seats the same oath or affirmation is administered as in the case of Members.

The right of a Delegate to submit a resolution is recognized by Rule XII, and it is also competent for him to submit any motion which a Member may make, except the motion to reconsider, which is dependent upon the right to vote.—*Journals*, 2, 30, p. 503; 1, 31, p. 1280.

Not having the right to vote, a Delegate has no right to object to the consideration of a measure, such objection being equivalent to a vote. (*See decision of Speaker Colfax, Globe*, 1, 39, p. 3007.)

## DILATORY MOTIONS.

*No dilatory motion shall be entertained by the Speaker.—Rule XVI, clause 10.*

*Pending a motion to suspend the rules, the Speaker may entertain one motion that the House adjourn; but after the result thereon is announced he shall not entertain any other dilatory motion till the vote is taken on suspension.—Rule XVI, clause 8.*

*It shall always be in order to call up for consideration a report from the Committee on Rules, and, pending the consideration thereof, the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of.—Rule XI, clause 57.*

In the Forty-seventh Congress, pending the consideration of a proposition to amend the rules so as to cut off dilatory motions during the consideration of election cases, the Speaker refused to entertain motions to fix the day to which the House should adjourn and other motions of a dilatory character, and thus brought the House to a vote on the proposed new rule.—*Journal, 1, 47, p. 1362; Record, 147, pp. 4305–4325.*

The following ruling of Speaker Reed in respect to dilatory motions, made on the 31st of January, is given in full.

Mr. Dalzell having been recognized by the Speaker to address the House on the report of the Committee on Elections on the contested-election case of Smith v. Jackson, from the Fourth Congressional district of the State of West Virginia: Mr. Bynum claimed the floor on a question of personal privilege and addressed the House. At the conclusion of his remarks Mr. Springer moved that the House adjourn, which motion the Speaker ruled out of order. From this decision of the Chair Mr. Springer appealed; whereupon the Speaker made the following statement, giving the grounds of his said ruling, viz:

**THE SPEAKER.** The House will not allow itself to be deceived by epithets. The facts which have transpired during the last few days have transpired in the presence of this House and of a very large auditory. No man can describe the action and judgment of this Chair in language which will endure unless that description be true.

A man much more famous than any in this Hall said many years ago that nobody could write him down but himself. Nobody can talk any Member of this House down except himself.

Whatever is done has been done in the face of the world, and is subject to its discriminating judgment. The proceedings of this House, so far

the Chair is concerned, have been orderly, suitable, in conformity to the rules of parliamentary law, and the refusal of the Chair to entertain the motion to adjourn at this juncture is strictly in accordance therewith.

There is no possible way by which the orderly methods of parliamentary procedure can be used to stop legislation. The object of a parliamentary body is action, and not stoppage of action. Hence, if any Member or set of Members undertakes to oppose the orderly progress of business, even by the use of the ordinarily recognized parliamentary motions, it is the right of the majority to refuse to have those motions entertained, and to cause the public business to proceed.

Primarily, the organ of the House is the man elected to the Speakership. It is his duty in a clear case, recognizing the situation, to endeavor to carry out the wishes and desires of the majority of the body which he represents. Whenever it becomes apparent that the ordinary and proper parliamentary motions are being used solely for purposes of delay and obstruction; when Members break in an unprecedented way over the rule in regard to the reading of the Journal; when a gentleman steps down to the front amid the applause of his associates on the floor and announces that it is his intention to make opposition in every direction, it then becomes apparent to the House and to the community what the purpose is. It is then the duty of the occupant of the Speaker's chair to take under parliamentary law the proper course with regard to such matters; and in order that there might not be any misunderstanding as to whether or not it is the wish or desire of a majority of the House—apparent as it seems to be—the question of the appeal from the refusal of the Chair to entertain the motion will be put to the House for its judgment and determination.

Mr. McKinley moved that the said appeal be laid on the table, and the roll being called, the yeas were 163 and the nays none. The Speaker, having announced the names of certain Members as present and refusing to vote, stated the foregoing result, and announced that the motion to table the said appeal, agreed to.—*Journal*, 1, 51, p. 181.

When a special order provides that at a certain hour and day the previous question shall be ordered and the vote shall then be taken on amendments and on the passage of the bill, one motion to adjourn may nevertheless be entertained consistently with the special order.—*Journal*, 2, 50, pp. 321, 394.

The right to move that a Member be excused from voting does not apply to votes on motions to adjourn, or for a call of the House, since the exercise of the power of the House might be absolutely defeated by repetitions of the motion to excuse.—*Record*, 1, 50, pp. 2710, 2711.

For other instances of dilatory motions, see *Journals*, 1, 51, pp. 485, 627, 810, 812, 931, 942, 943, 997, 1029, 1031; 2, 51, pp. 22, 111, 166; 54, pp. 485, 486.

## DISORDER.

*(See also Debate and Order.)*

## THE SPEAKER.

*He shall preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries or in the lobby, may cause the same to be cleared.—Rule I, clause 2.*

*In all cases, in forming a Committee of the Whole House, the Speaker shall leave his chair after appointing a chairman to preside, who shall, in case of disturbance or disorderly conduct in the galleries or lobby, have power to cause the same to be cleared.—Rule XXIII, clause 1.*

*If any Member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any Member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another Member, to explain, and the House shall, if appealed to, decide on the case without debate; if the decision is in favor of the Member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case require it, he shall be liable to censure or such punishment as the House may deem proper.—Rule XXIV, clause 4.*

*While the Speaker is putting a question or addressing the House no Member shall walk out of or across the hall, nor, when a Member is speaking, pass between him and the Chair; and during the session of the House no Member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause. Neither shall any person be allowed to smoke upon the floor of the House at any time.—Rule XXIV, clause 7.*

*The Clerk shall, at the commencement of the first session of each Congress, \* \* \* pending the election of a Speaker or Speaker pro tempore, call the House to order, preserve order and decorum, and decide all questions of order subject to appeal by any Member.—Rule III, clause 1.*

*The Sergeant-at-Arms shall aid in the enforcement of order under the direction of the Speaker and chairman of the Committee of the Whole, and pending the election of a Speaker, or*



Speaker *pro tempore* under the direction of the Clerk. (*See Rule IV, clause 1.*)

Each House may punish its Members for disorderly behavior.—*Const.*, 1, 5, 5.

When in the course of debate words are taken down as being in violation of the rules, the motion first in order is—that the Member who has spoken them be permitted to explain; after which explanation a motion is in order that he be permitted to proceed in the debate.—*Journal*, 2, 53, p. 132.

A Member being called to order, in Committee of the Whole, for transgressing the rules as to debate, and refusing to take his seat when directed so to do by the Chair, the chairman announced that the committee would rise that the House might enforce its rules. The Member then taking his seat, the committee continued in session. The committee thereupon, the question being put, refused to permit him to proceed.—*Record*, 1, 52, p. 4690.

Disorderly words spoken in a committee must be written down as in the House, but the committee can only report them to the House for animadversion.—*Manual*, p. 132.

A committee can not punish a breach of order in committee. It can only rise and report it to the House, who may proceed to punish.—*Manual*, p. 132; *Journal*, 1, 28, p. 846; 1, 51, p. 623.

In case of great heat and confusion arising in committee, the Speaker may take the chair and bring the House to order.—*Manual*, p. 123; *Journals*, 1, 26, p. 814; 3, 46, p. 114; *Record*, 3, 46, p. 311.

If repeated calls do not produce order, the Speaker may call by his name any Member obstinately persisting in irregularity.—*Manual*, p. 130.

Unparliamentary language used by a Member in Committee of the Whole, impeaching the character of another Member, having been reported to the House, it was held that a resolution of censure was in order, it not being essential that there should first be a formal decision, by the Speaker or by the House, that the remarks so reported were against order.—*Record*, 1, 51, pp. 4864–4866.

A member reiterating a published scandalous charge reflecting on the dignity of the House and integrity of its proceed-



ings, violates the rule, and if the point is made may be required to take his seat.—*Journal*, 1, 52, p. 343.

For instances of language held to be against order. (See *Journals*, 1, 51, pp. 624, 994; 2, 51, p. 174; 1, 52, p. 87; 2, 53, pp. 132, 137, 204.

#### DISTRICT OF COLUMBIA, COMMITTEE ON THE.

*The second and fourth Mondays in each month, after the disposal of such business on the Speaker's table as requires reference only, shall, when claimed by the Committee on the District of Columbia, be set apart for the consideration of such business as may be presented by said committee.*—Rule XXVI, clause 3.

The question of consideration can be demanded against any proposition presented by the Committee on the District of Columbia on the second and fourth Mondays.—*Journal*, 2, 50, p. 239.

Unfinished District business does not recur as the regular order of business on the succeeding day set apart for such business, unless again presented by the Committee on the District of Columbia.—*Journal*, 2, 53, p. 425.

(See Committees.)

#### DIVISION.

(See Vote.)

#### DIVISION OF QUESTION.

*On the demand of any Member, before the question is put, a question shall be divided if it include propositions so distinct in substance that one being taken away a substantive proposition shall remain.*—Rule XVI, clause 6.

*A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert; and no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.*—Rule XVI, clause 7.

But it has been decided on appeals that on motions to commit with instructions, or on the different branches of instructions—*Journals*, 1, 17, p. 507; 1, 31, pp. 1395–1397; 1, 32, p. 611—on a Senate amendment—*Journal*, 2, 32, p. 401—on an

an amendment reported as a single amendment from a Committee of the Whole—*Journals*, 1, 28, p. 1061; 1, 29, pp. 366, 642; 1, 30, p. 1059; 2, 37, p. 170; 2, 53, pp. 130, 445, etc.—on a series of resolutions proposed to be inserted in lieu of other matter—*Globe*, 1, 31, p. 1310—a division of the question can not be had.

The previous question being ordered the question on the engrossment of a bill which contains two distinct propositions is not divisible; nor is the question on the passage of such bill divisible.—*Record*, 1, 53, p. 1008.

After a question is put, it is too late to demand that it be divided.—*Journal*, 2, 53, p. 143.

## DOCUMENTS.

(*See Public Documents.*)

## DOORKEEPER.

*The Doorkeeper shall enforce strictly the rules relating to the privileges of the hall and be responsible to the House for the official conduct of his employees.*

*At the commencement and close of each session of Congress he shall take an inventory of all the furniture, books, and other public property in the several committee and other rooms under his charge, and report the same to the House, which report shall be referred to the Committee on Accounts to ascertain and determine the amount for which he shall be held liable for missing articles.*

*He shall allow no person to enter the room over the hall of the House during its sittings; and fifteen minutes before the hour of the meeting of the House each day he shall see that the floor is cleared of all persons except those privileged to remain, and kept so until ten minutes after adjournment.—Rule V.*

The Doorkeeper of the House of Representatives shall make out and return to Congress on the first day of each regular session, and at the expiration of his term of service, a full and complete account of all property belonging to the United States in his possession at the time of returning such account.—*R. S., sec. 72.*

The Doorkeeper shall perform the usual services pertaining to his office during the session of Congress, and shall, in the recess, under the direction of the Clerk, take care of the

apartments occupied by the House, and provide fuel and other accommodations for their subsequent sessions.—*R. S., sec. 73.*

The Doorkeeper (with the aid of his appointees, viz, the superintendents of the “folding room” and “document room,” messengers, pages, folders, and laborers) discharges various duties which are not enumerated in the rules, viz, he announces at the door of the House all messages from the President, etc.; keeps the doors of the House; folds and distributes extra documents; furnishes Members with printed copies of bills, reports, and other documents; conveys messages from Members; keeps the hall, galleries, and committee rooms in order, etc.

By a resolution of the House of June 4, 1872 (*Journal*, 2, 42, p. 1056), it is provided that the Speaker order the Doorkeeper of the House to prevent strictly the occupation of any of the offices and rooms assigned by the Speaker and by orders of the House to the use of the several officers and committees of the House, by any person whatsoever, during any recess of the House, without the written consent of the officers having such office in charge, or of the chairman or chairmen of the committee or committees to whom such room has been assigned.

In case of vacancies in the offices of both the Clerk and Sergeant-at-Arms, or of the absence or inability of both to act, the duties of the Clerk, relative to the preparation of the roll of the House, shall be performed by the Doorkeeper of the next preceding House.—*R. S., sec. 33.*

By the act of August 7, 1882 (*Sess. Laws*, 1, 47, p. 337), it is made the duty of the Doorkeeper to cause to be sold all waste paper and useless documents and condemned furniture that may accumulate in his office and cover the proceeds into the Treasury, and make report thereof to the House at the commencement of each regular session.

#### EDUCATION, COMMITTEE ON.

(*See Committees.*)

#### ELECTION OF PRESIDENT, VICE-PRESIDENT, AND REPRESENTATIVES IN CONGRESS—COMMITTEE ON.

(*See Committees.*)

## ELECTIONS BY THE HOUSE.

*In all other cases of ballot than for committees a majority of the votes given shall be necessary to an election, and where there shall not be such a majority on the first ballot the ballots shall be repeated until a majority be obtained; and in all balloting blanks shall be rejected and not taken into the count in enumeration of votes or reported by the tellers.—Rule XL.*

*He shall not be required to vote in ordinary legislative proceedings, except where his vote would be decisive, or where the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.—Rule I, clause 6.*

The House of Representatives shall choose their Speaker and other officers.—*Const.*, 1, 2, 3.

There shall be elected by a *viva voce* vote, at the commencement of each Congress, the officers named in Rule II.

It has been uniformly held that the election by the House of any of its officers is a question of privilege.

## ELECTIONS COMMITTEES.

On Elections, three committees, to consist of nine members each, to be called number one (1), two (2), and three (3), respectively.

These committees are privileged to report at any time on contested-election cases.

*(See Committees.)*

## ELECTIONS, CONTESTED.

Each House shall be the judge of the elections, returns, and qualifications of its own Members.—*Const.*, 1, 2, 5, 3.

All questions relating to the right of a Member to his seat have uniformly been held to be questions of privilege, and hence take precedence of other business. The following cases are cited: *Journals*, 1, 26, pp. 1283, 1300; 1, 29, p. 201; 1, 31, p. 1065; 2, 31, p. 119; *Record*, 1, 48, p. 5299; *Journal*, 1, 51, pp. 173, 1014.

A contestant, when his case is under consideration, is heard in his own behalf, subject to the rules of debate applicable to Members.—*Journal*, 1, 28, p. 1012.

Whenever any person intends to contest an election of any Member of the House of Representatives of the United States, he shall, within thirty days after the result of such election shall have been determined by the officer or board of canvassers authorized by law to determine the same, give notice, in writing, to the Member whose seat he designs to contest, of his intention to contest the same, and, in such notice, shall specify particularly the grounds upon which he relies in the contest.—*R. S., sec. 105.*

Any Member upon whom the notice mentioned in the preceding section may be served shall, within thirty days after the service thereof, answer such notice, admitting or denying the facts alleged therein, and stating specifically any other grounds upon which he rests the validity of his election; and shall serve a copy of his answer upon the contestant.—*R. S., sec. 106.*

When a seat is in dispute upon the question of prima facie right to be sworn in, each claimant relying upon an apparently regular certificate of election, the House may investigate the prima facie right to the seat, or may, without such investigation, seat the Member appearing to have the superior credentials. It being then impossible for the unsuccessful claimant to comply with the provisions of section 105 of the Revised Statutes as to time of giving notice of contest, it has been the practice for the House, in the exercise of its constitutional power to determine the election of its Members, to authorize by resolution the institution of a contest, and to permit notice thereof to be given by the contestant subsequently to the decision by the House of the prima facie case.—*Koontz v. Cof-froth, Journal, 1, 39, pp. 297, 298; Gunter v. Wilshire, Journal, 1, 43, p. 462; Foster v. Corode, Journal, 1, 41, pp. 159, 160; Bel-knap v. Richardson, Record, 1, 53, September 9, 1893.*

In all contested election cases the time allowed for taking testimony shall be ninety days, and the testimony shall be taken in the following order: The contestant shall take testimony during the first forty days, the returned Member during the succeeding forty days, and the contestant may take testimony in rebuttal only during the remaining ten days of said period.—*R. S., sec. 107.*

Section one hundred and seven of the Revised Statutes of the United States shall be construed as requiring all testimony in

**cases of contested election to be taken within ninety days from the day on which the answer of the returned Member is served upon the contestant.—18 Stat. L., p. 338.**

**The party desiring to take a deposition under the provisions of this chapter shall give the opposite party notice, in writing, of the time and place when and where the same will be taken, of the name of the witnesses to be examined and their places of residence, and of the name of an officer before whom the same will be taken. The notice shall be personally served upon the opposite party, or upon any agent or attorney authorized by him to take testimony or cross-examine witnesses in the matter of such contest, if, by the use of reasonable diligence, such personal service can be made; but if, by the use of such diligence, personal service can not be made, the service may be made by leaving a duplicate of the notice at the usual place of abode of the opposite party. The notice shall be served so as to allow the opposite party sufficient time by the usual route of travel to attend, and one day for preparation, exclusive of Sundays and the day of service. Testimony in rebuttal may be taken on five days' notice.—R. S., sec. 108.**

**Testimony in contested election cases may be taken at two or more places at the same time.—R. S., sec. 109.**

**When any contestant or returned Member is desirous of obtaining testimony respecting a contested election, he may apply for a subpoena to either of the following officers who may reside within the Congressional district in which the election to be contested was held:**

**First. Any judge of any court of the United States.**

**Second. Any chancellor, judge, or justice of a court of record of any State.**

**Third. Any mayor, recorder, or intendant of any town or city.**

**Fourth. Any register in bankruptcy or notary public.—R. S., sec. 110.**

**The officer to whom the application authorized by the preceding section is made shall thereupon issue his writ of subpoena, directed to all such witnesses as shall be named to him, requiring their attendance before him, at some time and place named in the subpoena, in order to be examined respecting the contested election.—R. S., sec. 111.**

In case none of the officers mentioned in section one hundred and ten are residing in the Congressional district from which the election is proposed to be contested, the application thereby authorized may be made to any two justices of the peace residing within the district; and they may receive such application, and jointly proceed upon it.—*R. S., sec. 112.*

It shall be competent for the parties, their agents, or attorneys authorized to act in the premises, by consent in writing, to take depositions without notice; also, by such written consent, to take depositions (whether upon or without notice) before any officer or officers authorized to take depositions in common law or civil actions or in chancery, by either the laws of the United States or of the State in which the same may be taken, and to waive proof of the official character of such officer or officers. Any written consent given as aforesaid shall be returned with depositions.—*R. S., sec. 113.*

Each witness shall be duly served with a subpoena, by a copy thereof delivered to him or left at his usual place of abode at least five days before the day on which the attendance of the witness is required.—*R. S., sec. 114.*

No witness shall be required to attend an examination out of the county in which he may reside or be served with a subpoena.—*R. S., sec. 115.*

Any person who, having been summoned in the manner above directed, refuses or neglects to attend and testify, unless prevented by sickness or unavoidable necessity, shall forfeit the sum of twenty dollars, to be recovered, with costs of suit, by the party at whose instance the subpoena was issued, and for his use, by an action of debt, in any court of the United States; and shall also be liable to an indictment for a misdemeanor, and punished by a fine and imprisonment.—*R. S., sec. 116.*

Depositions of witnesses residing outside of the district and beyond the reach of a subpoena may be taken before any officer authorized by law to take testimony in contested election cases in the district in which the witness to be examined may reside.—*R. S., sec. 117.*

The party notified as aforesaid, his agent or attorney, may, if he sees fit, select an officer (having authority to take depositions in such cases) to officiate, with the officer named in the

**N**otice, in the taking of the depositions; and if both such officers attend, the depositions shall be taken before them both sitting together, and be certified by them both. But if any one of such officers attend, the deposition may be taken before and certified by him alone.—*R. S., sec. 118.*

**A**t the taking of any depositions under this chapter, either party may appear and act, in person or by agent or attorney.—*R. S., sec. 119.*

**A**ll witnesses who attend in obedience to a subpoena, or who attend voluntarily at the time and place appointed, of whose examination notice has been given, as provided by this chapter, shall then and there be examined on oath by the officer who issued the subpoena, or, in case of his absence, by any other officer who is authorized to issue such subpoena, or by the officer before whom the depositions are to be taken by written consent, or before whom the depositions of witnesses residing outside the district are to be taken, as the case may be, touching all such matters respecting the election about to be contested as shall be proposed by either of the parties or their agents.—*R. S., sec. 120.*

**T**he testimony to be taken by either party to the contest shall be confined to the proof or disproof of the facts alleged or denied in the notice and answer mentioned in sections one hundred and five and one hundred and six.—*R. S., sec. 121.*

**T**he officer shall cause the testimony of the witnesses, together with the questions proposed by the parties or their agents, to be reduced to writing in his presence, and in the presence of the parties or their agents, if attending, and to be duly attested by the witnesses, respectively.—*R. S., sec. 122.*

**T**he officer shall have power to require the production of papers; or on the refusal or neglect of any person to produce and deliver up any paper or papers in his possession pertaining to the election, or to produce and deliver up certified or sworn copies of the same in case they may be official papers, such person shall be liable to all the penalties prescribed in section one hundred and sixteen. All papers thus produced, and all certified or sworn copies of official papers, shall be transmitted by the officer, with the testimony of the witnesses, to the Clerk of the House of Representatives.—*R. S., sec. 123.*



The taking of the testimony may, if so stated in the notice, be adjourned from day to day.—*R. S., sec. 124.*

The notice to take depositions, with the proof or acknowledgment of the service thereof, and a copy of the subpoena, where any has been served, shall be attached to the depositions when completed.—*R. S., sec. 125.*

A copy of the notice of contest, and of the answer of the returned Member, shall be prefixed to the depositions taken, and transmitted with them to the Clerk of the House of Representatives.—*R. S., sec. 126.*

All officers taking testimony to be used in a contested election case, whether by deposition or otherwise, shall, when the taking of the same is completed, and without unnecessary delay, certify and carefully seal and immediately forward the same, by mail or by express, addressed to the Clerk of the House of Representatives of the United States, Washington, District of Columbia; and shall also indorse upon the envelope containing such deposition or testimony the name of the case in which it is taken, together with the name of the party in whose behalf it is taken, and shall subscribe such indorsement.

The Clerk of the House of Representatives, upon the receipt of such deposition or testimony, shall notify the contestant and contestee, by registered letter through the mails, to appear before him at the Capitol, in person or by attorney, at a reasonable time to be named, not exceeding twenty days from the mailing of such letter, for the purpose of being present at the opening of the sealed packages of testimony and of agreeing upon the parts thereof to be printed. Upon the day appointed for such meeting the said clerk shall proceed to open all the packages of testimony in the case, in the presence of the parties or their attorneys, and such portions of the testimony as the parties may agree to have printed shall be printed by the Public Printer, under the direction of the said Clerk; and in case of disagreement between the parties as to the printing of any portion of the testimony, the said Clerk shall determine whether such portion of the testimony shall be printed; and the said Clerk shall prepare a suitable index to be printed with the record. And the notice of contest and the answer of the sitting Member shall also be printed with the record.

**If** either party, after having been duly notified, should fail to attend, by himself or by an attorney, the Clerk shall proceed to open the packages, and shall cause such portions of the testimony to be printed as he shall determine.

He shall carefully seal up and preserve the portions of the testimony not printed, as well as the other portions when returned from the Public Printer, and lay the same before the Committee on Elections at the earliest opportunity. As soon as the testimony in any case is printed the Clerk shall forward by mail, if desired, two copies thereof to the contestant and the same number to the contestee; and shall notify the contestant to file with the Clerk, within thirty days, a brief of the facts and the authorities relied on to establish his case. The Clerk shall forward by mail two copies of the contestant's brief to the contestee, with like notice.

Upon receipt of the contestee's brief the Clerk shall forward two copies thereof to the contestant, who may, if he desires, reply to new matter in the contestee's brief within like time. All briefs shall be printed at the expense of the parties, respectively, and shall be of like folio as the printed record, and sixty copies thereof shall be filed with the Clerk for the use of the Committee on Elections.—*R. S., sec. 127, as amended by act approved March 2, 1887 (24 Stat., p. 445).*

Every witness attending by virtue of any subpoena herein directed to be issued shall be entitled to receive the sum of seventy-five cents for each day's attendance, and the further sum of five cents for every mile necessarily traveled in going and returning. Such allowance shall be ascertained and certified by the officer taking the examination, and shall be paid by the party at whose instance such witness was summoned.—*R. S., sec. 128.*

Each judge, justice, chancellor, chief executive officer of a town or city, register in bankruptcy, notary public, and justice of the peace, who shall be necessarily employed pursuant to the provisions of this chapter, and all sheriffs, constables, or other officers who may be employed to serve any subpoena or notice herein authorized, shall be entitled to receive from the party at whose instance the service shall have been performed such fees as are allowed for similar services in the State wherein such service may be rendered.—*R. S., sec. 129.*

No payment shall be made by the House of Representatives, out of its contingent fund or otherwise, to either party to a contested election case for expenses incurred in prosecuting or defending the same.—*R. S., sec. 130.*

Hereafter no contestee or contestant for a seat in the House of Representatives shall be paid exceeding two thousand dollars for expenses in election contests; and before any sum whatever shall be paid to a contestant or contestee for expenses of election contest, he shall file with the clerk of the Committee on Elections a full and detailed account of his expenses, accompanied by the vouchers and receipts for each item, which account and vouchers shall be sworn to by the party presenting the same, and no charges for witness fees shall be allowed in said accounts unless made in strict conformity to section one hundred and twenty-eight, Revised Statutes of the United States.—*20 Stat. L., p. 400.*

#### ELECTORAL VOTE.

The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a Member or Members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors ap-

**pointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.—Amendments to Const., Art. XII.**

Although the House of Representatives has not since the Forty-third Congress recognized the former joint rule as operative, and though no other joint rules have since that Congress been adopted by the two houses, the proceedings indicated in the former joint rule 22 were pursued in counting the electoral vote prior to the act of February 3, 1887. By this act (24 Stat. L., p. 373) the principal provisions of the old joint rule were enacted into permanent law.

The provisions of this law which relate to the counting of the electoral vote are as follows:

SEC. 4. That Congress shall be in session on the second Wednesday in February succeeding every meeting of the electors.

The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of one o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer.

Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates;

And the votes having been ascertained and counted in the manner and according to the rules in this act provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

Upon such reading of any such certificate or paper, the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received.

When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision;

And no electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully certified to according to section three of this act from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified.

If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned in section two of this act to have been appointed, if the determination in said section provided for shall have been made, or by such successors or substitutes, in case of a vacancy in the board of electors so ascertained, as have been appointed to fill such vacancy in the mode provided by the laws of the State;

But in case there shall arise the question which of two or more of such State authorities determining what electors have been appointed, as mentioned in section two of this act, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its laws;

And in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which the two Houses shall concurrently decide were cast by lawful electors appointed in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State.

But if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the executive of the State, under the seal thereof, shall be counted.

When the two Houses have voted they shall immediately again meet, and the presiding officer shall then announce the decision of the questions submitted.

No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of.

SEC. 5. That while the two Houses shall be in meeting as provided in this act the President of the Senate shall have power to preserve order;

and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw.

SEC. 6. That when the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and Representative may speak to such objection or question five minutes, and not more than once;

But after such debate shall have lasted two hours it shall be the duty of the presiding officer of each House to put the main question without further debate.

SEC. 7. That at such joint meeting of the two Houses seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators, in the body of the Hall upon the right of the presiding officer; for the Representatives, in the body of the Hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform.

Such joint meeting shall not be dissolved until the count of electoral votes shall be completed and the result declared:

And no recess shall be taken unless a question shall have arisen in regard to counting any such votes, or otherwise under this act, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess of such House not beyond the next calendar day, Sunday excepted, at the hour of 10 o'clock in the forenoon.

But if the counting of the electoral vote and the declaration of the result shall not have been completed before the fifth calendar day next after such first meeting of the two Houses, no further or other recess shall be taken by either House.

It was formerly the practice, after the declaration by the joint meeting of the election of the President and Vice-President, to appoint a joint committee, consisting of two Members of the House and one Senator, to wait on the persons elected and inform them thereof. This formality has, however, for many years been omitted.

It is customary for the two Houses, prior to the day on which the counting of the electoral vote is required to begin, to fix by concurrent resolution the hour at which the two Houses will convene in joint session for that purpose.—*Record*, 2, 52, pp. 642, 847.

In anticipation of the choice of President devolving upon it, the House of Representatives of the second session, Eighteenth Congress, adopted a set of rules for its government in said elec-

tion.—*Journal*, 2, 18, pp. 212 to 215. For the subsequent proceedings of the House in conducting said election.—*Journal*, 2, 18, pp. 220, 221, 222.

#### ENACTING WORDS.

*A motion to strike out the enacting words of a bill shall have precedence [in committee of the whole] of a motion to amend, and if carried, shall be considered equivalent to its rejection.*—Rule XXIII, clause 7.

The enacting clause of all acts of Congress hereafter enacted shall be in the following form:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.—*R. S.*, sec. 7.

The resolving clause of all joint resolutions shall be in the following form:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.—*R. S.*, sec. 8.

No enacting or resolving words shall be used in any section of an act or resolution of Congress except in the first.—*R. S.*, sec. 9.

And each section shall be numbered, and shall contain, as nearly as may be, a single proposition of enactment.—*R. S.*, sec. 10.

#### ENACTING WORDS, TO STRIKE OUT.

The question which arises upon a report from the Committee of the Whole that the enacting words be stricken out is, "Shall the enacting words be stricken out?" and the previous question is exhausted upon the taking of such vote.—*Journals*, 1, 33, p. 872; 3, 34, p. 479; 1, 35, p. 107.

A bill being reported from a Committee of the Whole with the recommendation that the enacting clause be stricken out, a motion to lay the bill on the table was held to be not in order.—*Journal*, 1, 43, p. 629.

A recommendation of a Committee of the Whole or a motion to strike out enacting clause is subject to debate in the House.—*Journal*, 2, 53, pp. 21, 22.

Pending consideration in Committee of the Whole of an appropriation bill by paragraphs for amendment, but before the reading of all the paragraphs has been completed, an amend-



~~H~~ent striking out all after the enacting clause and inserting  
~~a~~ substitute was proposed and debated. *Held*, That, no further  
~~a~~ amendment being proposed to the text of the bill, it was in  
~~O~~ order to vote on the substitute without reading the remaining  
~~I~~ paragraphs.—*Record*, 2, 49, p. 1059.

The effect of a refusal of the House to concur in a recom-  
~~H~~ mendation to strike out the enacting clause is to return the  
~~B~~ ill to the Committee of the Whole. But it is otherwise when  
~~T~~ he recommendation is to strike out all after the enacting  
~~C~~ lause, it being in order in the latter case to proceed in the  
~~H~~ ouse with the consideration of the original bill.—*Record*, 2,  
 —19, p. 1060.

## ENGRAVING.

There shall be referred by the Clerk to the members of the  
 Committee on Printing on the part of the House all drawings,  
 maps, charts, or other papers which may at any time come  
 before the House for engraving, lithographing, or publishing  
 in any way; which committee shall report to the House whether  
 the same ought, in their opinion, to be published; and if the  
 House order the publication of the same, that said committee  
 shall direct the size and manner of execution of all such maps,  
 charts, drawings, or other papers, and contract, by agreement  
 in writing, for all such engraving, lithographing, printing,  
 drawing, and coloring, as may be ordered by the House; which  
 agreement, in writing, shall be furnished by said committee to  
 the Committee on Accounts, to govern said committee in all  
 allowances for such works; and it shall be in order for said  
 committee to report at all times.

Whenever any charts, maps, diagrams, views, or other en-  
 gravings are required to illustrate any document ordered to be  
 printed by either House of Congress, such engravings shall be  
 procured by the Congressional Printer, under the direction and  
 supervision of the Committee on Printing of the House order-  
 ing the same.—*R. S.*, sec. 3779.

(*See Printing, Public.*)

## ENGROSSED BILLS.

*Bills and joint resolutions on their passage shall be read the  
 first time by title and the second time in full, when, if the pre-  
 vious question is ordered, the Speaker shall state the question to*



*be: Shall the bill be engrossed and read a third time? and if decided in the affirmative, it shall be read the third time by title, unless the reading in full is demanded by a Member, and the question shall then be put upon its passage.*—Rule XXI, clause 1.

The engrossed Senate bill, a printed copy attested by the Secretary of the Senate, must always accompany a report thereon when reported in the House, and must, when under consideration, be actually in the possession of the House.

Prior to the Fifty-third Congress, second session, the engrossment of a bill consisted in writing it at length in a fair, round hand, on large sheets of paper (15 by 19 inches), embodying therein any amendments which may have been agreed to.

By concurrent resolution, passed by the House October 26, 1893, and by the Senate November 1, 1893, it is required that hereafter the engrossment be by printing instead of writing.

It is the right of any Member, on the third reading or before passage of a bill (or joint resolution), to demand the reading in full of the engrossed bill.—*Record*, 2, 48, p. 2251; *Journal*, 2, 49, p. 388; *Record*, 1, 52, p. 4586.

It is not in order to demand the reading of the engrossed bill pending the consideration of a conference report thereon.—*Journal*, 1, 44, p. 1423.

After the passage of a bill by either House, the engrossed bill is carried by the Clerk of the House or Secretary of the Senate to the other House, where the bill is presented with a message requesting concurrence therein.

Amendments of either House to a bill of the other House are engrossed and returned by the Clerk or Secretary, together with the bill which it is proposed to amend.

It is the right of any Member to demand the reading of the engrossed bill when the question is on its passage, even though the previous question be ordered.—*Journal* 2, 49, p. 388.

After a bill is read a third time (pursuant to the rule, by its title) and the yeas and nays have been ordered on the question of its passage, it is too late to demand the reading at length of the engrossed bill.—*Journal*, 1, 52, p. 225.

ENROLLED BILLS, COMMITTEE ON.

(See Joint Committees.)

**T**he Committee on Enrolled Bills shall have leave to report enrolled bills at any time.—*See Rule XI, clause 57.*

**T**hese reports are usually made by delivering them to the Speaker or placing them on the Speaker's table, and are laid before the House by the Speaker at some convenient period, in case of urgency other business being interrupted for that purpose.

ENROLLED BILLS.

**A**fter a bill has passed both Houses, it is enrolled on parchment under the supervision of the Clerk or Secretary of the House in which it originated, and after being examined and found truly enrolled by the Committee on Enrolled Bills it is reported to the House, and is thereupon signed by the Speaker, after which it is transmitted to the Senate, where it is signed by the Vice-President. It is then presented to the President (usually by a member of the Committee on Enrolled Bills) for his approval.

Until the second session of the Fifty-third Congress the enrollment was in writing, but by concurrent resolution passed by the House October 26, 1893, by the Senate November 1, 1893, the enrollment is required to be by printing instead of writing.

A bill passed by the two Houses before the appointment of a Committee on Enrolled Bills is enrolled by the Clerk or Secretary and presented directly to the Speaker for his signature (*Journal, 1, 52, p. 17*); the report of a committee being a guaranty of the correct enrollment, but not an essential prerequisite to the attestation by the Speaker.

The signing by the Speaker of the House of Representatives and by the President of the Senate in open session of an enrolled bill is an official attestation by the two Houses of such bill as one that has passed Congress. When approved by the President and deposited in the State Department according to law, its authentication is complete and unimpeachable.—*Field v. Clark, April 15, 1892, 143 U. S. Sup. Ct. Rep., p. 649.*

It is not competent to show from Journals of either House that an act so authenticated did not pass in the precise form in which it was so signed and approved.—*Idem*, 143 U. S. Sup. Ct. Rep., p. 649.

#### EVENING SESSION.

(*See Friday; Recess.*)

#### EXECUTIVE COMMUNICATIONS.

*Reports and communications from the heads of Departments, and other communications addressed to the House, \* \* \* may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by Members.*—Rule XXIV, clause 2.

*Messages received from the Senate and the President of the United States, giving notice of bills passed or approved, shall be entered in the Journal and published in the Record of that day's proceedings.*—Rule XLI.

*Estimates of appropriations, and all other communications from the Executive Departments, intended for the consideration of any committees of the House, shall be addressed to the Speaker and by him referred as provided by clause 3 of Rule XXIV.*—Rule XLII.

Communications from the heads of the Departments and from other officers whose duty it is to make reports to Congress or to the House are addressed to the Speaker, who causes a brief statement of their contents to be indorsed thereon.

Immediately after the approval of the Journal, these communications are referred under the rule to appropriate committees.

All estimates of appropriations and estimates of deficiencies in appropriations intended for the consideration and seeking the action of any of the committees of Congress shall be transmitted to Congress through the Secretary of the Treasury, and in no other manner; and the said Secretary shall first cause the same to be properly classified, compiled, indexed, and printed, under the supervision of the chief of the division of warrants, estimates, and appropriations of his Department.—*Sess. Laws*, 1, 48, p. 254, act of July 7, 1884.

(*See Messages from the President.*)

**EXECUTIVE DEPARTMENTS, JOINT COMMITTEE ON DISPOSITION OF USELESS PAPERS IN.**

*(See Committees; Papers.)*

**EXPENDITURES (IN THE SEVERAL DEPARTMENTS), COMMITTEES ON.**

*(See Committees.)*

**EXPENDITURES ON PUBLIC BUILDINGS, COMMITTEE ON.**

*(See Committees.)*

**FEEES.**

*The rule for paying witnesses subpoenaed to appear before the House, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of five cents each way; but nothing shall be paid for traveling when the witness has been summoned at the place of trial.—Rule XXXVII.*

The Clerk shall certify extracts from the Journals of the House of Representatives, and for such copies shall receive the sum of ten cents for each sheet containing one hundred words.—*R. S., sec. 71.*

The Sergeant-at-Arms is prohibited from receiving (in addition to his regular salary), directly or indirectly, any fees other compensation, or emolument whatever for performing the duties of his office, or in connection therewith.—*R. S., sec. 53.*

**FILES OF THE HOUSE.**

*The clerks of the several committees of the House shall, within three days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitions, and other papers referred to the committee, together with all evidence taken by such committee under the order of the House during the said Congress, and not reported to the House; and in the event of the failure or neglect of any clerk of a committee to comply with this rule, the Clerk of the House shall, within three days thereafter, take into his keeping all such papers and testimony.—Rule XXXVIII.*

## WITHDRAWAL OF PAPERS FROM FILES.

*No memorial or other paper presented to the House shall be withdrawn from its files without its leave, and if withdrawn therefrom certified copies thereof shall be left in the office of the Clerk; but when an act may pass for the settlement of a claim the Clerk is authorized to transmit to the officer charged with the settlement thereof the papers on file in his office relating to such claim, or may loan temporarily to any officer or Bureau of the Executive Departments any papers on file in his office relating to any matter pending before such officer or Bureau, taking proper receipt therefor.—Rule XXXIX.*

In the Forty-sixth Congress the following resolution was adopted relative to the right of the Clerk to produce elsewhere papers belonging to the files of the House:

*Resolved, 1. That no officer or employé of the House of Representatives has the right, either voluntarily or in obedience to a subpoena duces tecum, to produce any document, paper, or book belonging to the files of the House before any court or officer, nor to furnish any copy of any testimony given or paper filed on any investigation before the House or any of its committees, or of any other paper belonging to the files of the House, except such as may be authorized by statute to be copied and such as the House itself may have made public, to be taken without the consent of the House first obtained.—Journal, 1, 46, p. 186.*

The files of the House comprise petitions, memorials, testimony relative to bills or other propositions before Congress, vetoed bills, and other documents of a public or private character affecting the legislation of the House. At the end of a Congress, these documents are delivered to the file clerk, in whose custody they remain for future reference.

## FIVE MINUTES' DEBATE.

In Committee of the Whole.

*When general debate is closed by order of the House, any Member shall be allowed five minutes to explain any amendment he may offer, after which the Member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover*

*thereof unless by the unanimous consent of the committee.*—Rule XXIII, clause 5.

*The committee may, by the vote of a majority of the Members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment, to be decided without debate.*—Rule XXIII, clause 6.

*(See Debate; Committee of the Whole.)*

#### FIX DAY, MOTION TO.

*(See Adjournment.)*

#### FLOOR, ADMISSION TO.

*The persons hereinafter named, and none other, shall be admitted to the hall of the House or rooms leading thereto, viz: The President and Vice-President of the United States and their private secretaries, Judges of the Supreme Court, Members of Congress and Members elect, contestants in election cases during the pendency of their cases in the House, the Secretary and Sergeant-at-Arms of the Senate, heads of Departments, Foreign Ministers, Governors of States, the Architect of the Capitol, the Librarian of Congress and his assistant in charge of the Law Library, such persons as have, by name, received the thanks of Congress, ex-Members of the House of Representatives who are not interested in any claim or directly in any bill pending before Congress, and clerks of committees when business from their committee is under consideration; and it shall not be in order for the Speaker to entertain a request for the suspension of this rule or to present from the chair the request of any Member for unanimous consent.*—Rule XXXIV.

*The Doorkeeper shall enforce strictly the rules relating to the privileges of the hall and be responsible to the House for the official conduct of his employés.*—Rule V, clause 1.

The rule of the House relative to admission to the floor is applicable in Committee of the Whole.—*Journal* 2, 53, p. 90.

A resolution relating to the privileges of the floor presents a question of privilege.—*Journal*, 1, 19, p. 781.

# FORD THEATER DISASTER—JOINT COMMISSION TO INVESTIGATE.

(*See Commissions.*)

## FOREIGN AFFAIRS, COMMITTEE ON.

(*See Committees.*)

### FRANKING PRIVILEGE.

By the act of March 3, 1875, it is provided that the Congressional Record, or any part thereof, or speeches, or reports therein contained, shall, under the frank of a Member of Congress or Delegate, to be written by himself, be carried in the mail free of postage, under such regulations as the Postmaster-General may prescribe.—*Laws*, 2, 43, p. 343.

By the seventh section of the same act (p. 343) it is provided that seeds transmitted by the Commissioner of Agriculture, or by any Member of Congress or Delegate receiving seeds for distribution from said Department, together with agricultural reports emanating from that Department, and so transmitted, shall, under such regulations as the Postmaster-General shall prescribe, pass through the mails free of charge. And the provisions of this section shall apply to ex-Members of Congress and ex-Delegates for the period of nine months after the expiration of their terms as Members and Delegates.

No compensation or allowance shall now or hereafter be made to Senators, Representatives, or Delegates on account of postage.—*R. S.*, sec. 44.

Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail all public documents printed by order of Congress; and the name of each Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the House shall be written thereon, with the proper designation of the office he holds; and the provisions of this section shall apply to each of the persons named therein until the first day of December following the expiration of their respective terms of office. *March 3, 1877, 19 St. L., p. 336: Provided, That the Vice-President, Senators, Represent-*

atives, and Delegates in Congress, the Secretary of the Senate and Clerk of the House of Representatives may send and receive through the mail free all public documents printed by order of Congress, and in the manner provided by section 7 of the "act establishing post roads, and for other purposes," approved March 3, 1877.—*20 Stat. L., p. 10.*

The provisions of the fifth and sixth sections of the act entitled "An act establishing post routes, and for other purposes," approved March 3, 1877, for the transmission of official mail matter be, and they are hereby, extended to all officers of the United States Government, and made applicable to all official mail matter transmitted between any of the officers of the United States or between any such officer and either of the Executive Departments or officers of the Government, the envelopes of such matter in all cases to bear appropriate indorsements containing the proper designation of the office from which the same is transmitted, with a statement of the penalty for their misuse.—*Sec. 29, act of March 3, 1879; 20 Stat. L., p. 362. (See also Supplement R. S., vol. 1, p. 458.)*

Members and Members-elect of Congress shall have the privilege of sending free through the mails, and under their frank, letters to any officer of the Government when addressed officially.—*26 Stat. L., p. 1081.*

The following provision extended the privilege to include "any person":

The Vice-President, Members and Members-elect of and Delegates and Delegates-elect to Congress shall have the privilege of sending free through the mails, and under their frank, any mail matter to any Government official or to any person, correspondence, not exceeding one ounce in weight, upon official or departmental business.—*28 Stat. L., p. 622.*

#### FRIDAY.

*Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by the House.—Rule XXVI, clause 1.*

*On Friday of each week, after the unfinished business has been disposed of, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to*



*consider business on the Private Calendar, and if this motion fails, then public business shall be in order as on other days.*—

Rule XXIV, clause 6.

*The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.*—Rule XXVI, clause 2.

Rule XV, clause 4, relating to a quorum, has the following proviso relating to the Friday evening session:

*But this section of the rule shall not apply to the sessions of Friday night, until further order of the House.*

The point has several times been made that the House at the Friday evening session could not by agreement assign a pension bill for consideration to another day assigned for the transaction of public business. But the point of order made even as against that has been overruled.—*Record*, 1, 50, 2514.

The House has all the power on Friday to make any order or transact any business it may see fit, if done by unanimous consent.

A negative vote on the motion to resolve into Committee of the Whole House to consider business on the Private Calendar is, according to the practice, construed as equivalent to dispensing with private business for the day, and a similar motion is not again in order on the same Friday.—*Journal*, 2, 52, p. 17.

On Fridays the consideration of private business previously reported from the Committee of the Whole House takes precedence over the motion to resolve into Committee of the Whole House to consider private business.—*Journal*, 1, 51, p. 344; 2, 52, p. 33. It was further held that pension bills would be within the purview of the foregoing ruling.—*Journal*, 1, 51, pp. 365, 367.

On Friday evening, when the Committee of the Whole House rises and reports its recommendation, it is the practice to first consider bills previously reported from that committee and remaining undisposed of by the House.

According to the practice, reports from the Committee on Rules relative to proposed change in the rules are in order for consideration on Friday as on other days.—*Record* 2, 50, p. 538.

The House having at an evening session, which was set apart for the consideration of a certain class of business,

taken a recess until the following day, it was held that the session after the recess was not a continuation of the evening session, and was not to be devoted to the business for which the evening session was set apart.—*Journal*, 2, 48, p. 557.

A continuing special order for the consideration of a public bill “from day to day until finally acted on” makes such consideration in order on Friday as on other days.—*Journals*, 2, 48, p. 136; 2, 51, p. 280. But it is otherwise where, a given number of days being assigned generally for public bills Friday intervenes.—*Record*, 1, 51, p. 2012.

Should the previous question be pending on the passage of a private bill at the hour of adjournment on Friday, it has been held that such unfinished business is first in order on the next legislative day, and on such subsequent day the question of consideration can not be demanded on the passage of the bills upon which the previous question was ordered.—*Journal*, 2, 52, p. 33.

(*See Private Bills and Private Business.*)

#### GALLERIES.

*The Speaker shall set aside a portion of the west gallery for the use of the President of the United States, the members of his Cabinet, justices of the Supreme Court, foreign ministers and suites, and the members of their respective families, and shall also set aside another portion of the same gallery for the accommodation of persons to be admitted on the card of Members. The southerly half of the east gallery shall be assigned exclusively for the use of the families of Members of Congress, in which the Speaker shall control one bench, and on request of a Member the Speaker shall issue a card of admission to his family, which shall include their visitors, and no other person shall be admitted to this section.—Rule XXXV.*

*Stenographers and reporters, other than the official reporters of the House, wishing to take down the debates and proceedings, may be admitted by the Speaker to the reporters' gallery over the Speaker's chair, under such regulations as he may, from time to time, prescribe; and he may assign one seat on the floor to Associated Press reporters, and one to The United Press reporters, and regulate the occupation of the same. And the Speaker may admit to the floor, under such regulations as he may pre-*

scribe, one additional representative of each press association.———  
Rule XXXVI, clause 2.

He (the Speaker) shall preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries or in the lobby, may cause the same to be cleared.—Rule I, clause 2.

In all cases in forming a Committee of the Whole House, the Speaker shall leave his chair after appointing a chairman to preside, who shall, in case of disturbance or disorderly conduct in the galleries or lobby, have power to cause the same to be cleared.—Rule XXIII, clause 1.

#### GERMANE AMENDMENTS.

(See Amendments, Germane.)

#### HALL OF THE HOUSE.

The Hall of the House shall be used only for the legislative business of the House, and for the caucus meetings of its members, except upon occasions where the House by resolution agree to take part in any ceremonies to be observed therein; and the Speaker shall not entertain a motion for the suspension of this rule.—Rule XXXIII.

(See Floor, Admission to.)

#### HOUR.

(See Morning Hour.)

#### HOUSE AS IN COMMITTEE OF THE WHOLE.

(See Manual, p. 145.)

The peculiar characteristic of this quasi-committee, as distinguished from the usual procedure of the House, is that in it bills are considered by paragraphs, and debate on amendments is limited to five minutes.

It continues to be a House, and, therefore, though it acts in some respects as a committee, in others it preserves its character as a House. Thus (3) it is in the daily habit of referring its business to a special committee. 4. It admits of the previous question. If it did not, it would have no means of preventing an improper discussion; not being able, as a committee is, to avoid it by returning into the House, [for the moment it

would resume the same subject there, the XXVth rule declares it again a quasi-committee]. 5. It would doubtless exercise its powers as a House on any breach of order. 6. It takes a question by yea and nay, as the House does. 7. It receives messages from the President and the other House. 8. In the midst of a debate it receives a motion to adjourn, and adjourns as a House, not as a committee.

A bill considered "in the House as in Committee of the Whole" is subject to all parliamentary motions, such as for the previous question, to lay on the table, etc., the only effect of this order being to limit debate on amendments to five minutes, and even this "five-minute" debate may be cut off by the previous question.

A motion to recommit is one mode of consideration, and when a bill is being considered in the House as in Committee of the Whole it is in order at any time to move to recommit the bill thus being considered.—*Journal*, 1, 52, p. 32.

A bill being considered in the House as in Committee of the Whole, it was held that it would be in order to submit a substitute for the entire bill only after the reading of the bill by sections should be concluded.—*Journal*, 2, 53, p. 455.

#### IMMIGRATION AND NATURALIZATION, COMMITTEE ON.

(See Committees.)

#### IMPEACHMENT.

The House of Representatives shall have the sole power of impeachment.—*Const.*, 1, 2, 5, 3.

The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.—*Const.*, 2, 4, 17.

Propositions to impeach any civil officer under the foregoing clause of the Constitution are privileged.—*Journals*, 1, 48, p. 495; 2, 48, pp. 27, 28; 1, 54, pp. 36, 37.

The proceedings in the case of the impeachment of Judge Peck, in the Twenty-first Congress, were as follows:

The House having resolved that he be impeached of "high misdemeanors in office" (*Journal*, 1, 21, pp. 454, 566), it was

ordered "that Mr. ——— and Mr. ——— be appointed a committee to go to the Senate, and at the bar thereof, in the name of the House of Representatives and of all of the people of the United States, to impeach James H. Peck, judge of the district court of the United States for the district of Missouri, of high misdemeanors in office, and acquaint the Senate that the House of Representatives will, in due time, exhibit particular articles of impeachment against him and make good the same; and that said committee do demand that the Senate take order for the appearance of the said James H. Peck to answer to said impeachment."

The House then, on motion, appointed a committee of five "to prepare and report to the House articles of impeachment against James H. Peck, district judge of the United States for the district of Missouri, for misdemeanors in said office (*p. 574*).

A message was received from the Senate notifying the House "that the Senate will take proper order therein, of which due notice shall be given to the House of Representatives" (*p. 574*).

The committee appointed to prepare articles of impeachment made their report (*p. 584*), which was committed to the Committee of the Whole House on the state of the Union (*p. 588*), and, having been considered therein, was reported with amendments, and so agreed to by the House (*pp. 591 to 595*).

It was then ordered "that five managers be appointed by ballot to conduct the impeachment against James H. Peck, judge of the district court of the United States for the district of Missouri, on the part of the House," who were thereupon appointed (*p. 595*).

It was then ordered "that the articles agreed to by the House to be exhibited in the name of themselves and of all the people of the United States against James H. Peck, in maintenance of their impeachment against him for high misdemeanors in office, be carried to the Senate by the managers appointed to conduct said impeachment." And the Clerk was directed to inform the Senate of the appointment of said managers, and of the last-mentioned order of the House (*p. 596*).

A message was received from the Senate informing the House of the time at which it would resolve itself into a court of im-

peachment, when it would receive the managers appointed to exhibit the articles of impeachment (*p. 603*).

The managers, having carried said articles to the Senate, made report of the fact to the House (*p. 605*).

The Senate notified the House of its issue of summons to Judge Peck (*p. 606*) and of its order that he file his answer and plea with its Secretary by a certain day (*p. 625*).

The House resolved that it would, on the day above named, "and at such an hour as the Senate shall appoint, resolve itself into a Committee of the Whole House and attend in the Senate" on the trial of the said impeachment (*p. 714*).

The Senate on the same day notified the House "that it was ready to proceed upon the impeachment of James H. Peck, judge, etc., in the Senate Chamber, which Chamber was prepared with accommodations for the reception of the House of Representatives (*p. 717*).

Thereupon the House resolved itself into a Committee of the Whole House and proceeded to the Senate in that capacity. Having spent some time therein, they returned into the Chamber of the House; and the Speaker having resumed the chair, the Chairman of the Committee of the Whole reported the proceedings which had taken place, and that the Senate, sitting as a high court of impeachment, had adjourned to meet at the next session (*p. 717*).

At the next session (2, 21), Mr. Buchanan, from the managers, reported to the House a replication to the answer and plea of Judge Peck, which was agreed to by the House; and the said managers were instructed to maintain the same at the bar of the Senate, and the Senate were informed thereof (*pp. 47, 48*).

The Senate notified the House of their readiness to proceed to trial (*p. 52*), and the House resolved that from day to day it would resolve itself into a Committee of the Whole and attend the same (*p. 97*).

Subsequently the House resolved that the managers be instructed to attend the trial, and that the attendance of the House be dispensed with until otherwise ordered (*p. 141*).

The managers having announced that the testimony had closed (*p. 175*), the House resolved that during the argument

of counsel it would, from day to day, attend in the Senate (p. 186).

The report of the final action of the Senate in the case, made to the House by the Chairman of the Committee of the Whole (p. 236).

[The rules of proceedings of the Senate in cases of impeachment will be found in "*Trial of Judge Peck*," pp. 56 to 59.]

For further information on the subject of impeachment, see "*Chase's Trial*," and "*Trial of Judge Peck*."

The following is a list of impeachment cases prosecuted in the Congress of the United States:

First. William Blount, a Senator of the United States from Tennessee. Violation of the neutrality laws of the United States.

Second. John Pickering, district judge, New Hampshire, 1803-04. Malfeasance in office, viz, imprisonment of an attorney for an alleged contempt of court, in this: reviewing in a newspaper a decision of the judge.

Third. Samuel Chase, associate justice of Supreme Court United States, 1804-05. Malfeasance in office. (*Chase's Trial*.)

Fourth. James Peck, United States district judge for Missouri, 1826-31. (*Peck's Trial*.)

Fifth. West W. Humphreys, United States district judge for Tennessee. Advocating secession, and giving aid and comfort to the rebellion. December 29, 1860. (*See Globe*, 2, 37, vol. 3, No. 44.)

Sixth. Andrew Johnson, President of the United States. Fortieth Congress, 1868.

Seventh. William W. Belknap, Secretary of War. First session Forty-fourth Congress.

#### INDEFINITE POSTPONEMENT.

(*See Postpone, Motion to.*)

#### INDEXES.

The clerk shall, as soon after the close of each session as possible, complete the printing and distribution to Members and Delegates of the Journal of the House, together with an accurate index. (*See Rule III, clause 3.*)

An index of the acts passed at each session of Congress shall be prepared under the direction of the Department of State.—*18 Stat. L., p. 401.*

The Clerk of the House and Secretary of the Senate are directed to procure and file, for the use of their respective Houses, copies of all reports made by each committee of all succeeding Congresses, and at the close of each session of Congress to cause said reports to be indexed and bound, one copy to be deposited in the library of each House and one copy in the room of the committee from which the reports emanated.—*24 Stat. L., p. 346.*

On the 18th of June, 1878 (second session Forty-fifth Congress), the House adopted the following preamble and resolution, viz:

Whereas the records of the proceedings of Congress have become so extensive that ready reference to any matter contained in them is almost impossible, and the want of uniformity in the method of indexing the various volumes renders inaccessible much information that is valuable; and

Whereas the business of legislation would be greatly aided and expedited by a proper index of the Journals: Therefore,

*Be it resolved*, That there shall be prepared, under the direction and supervision of the Committee on Rules, a general index of the Journals of Congress.

*Resolved*, That the Committee on Rules are authorized to select and employ a proper person to prepare such general index, at a compensation not to exceed \$2,500 per annum, to be paid out of the contingent fund of the House for the ensuing fiscal year, and to be under the direction of the Committee on Rules as the prosecution of the work proceeds.

Subsequently an assistant to this clerk was provided. Still later, by the act approved February 26, 1889, provision was made for eight assistant index clerks, to be appointed by the Committee on Rules.—*25 Stat. L., p. 709.* Provision for the payment of these clerks was annually made in the legislative appropriation bill until the second session Fifty-first Congress, when, the work being still uncompleted, the appropriation was discontinued.

It devolves upon the Clerk's office, under the usage, to prepare indexes to "Executive Documents," "Miscellaneous Documents," "Reports of Committees," "Reports of Court of Claims," "Bills and Joint Resolutions," etc.



## INDIAN AFFAIRS, COMMITTEE ON.

*(See Committees.)*

## INDIAN DEPREDATION CLAIMS.

Jurisdiction of, conferred on Court of Claims. *(See Claims.)*

## INQUIRY, RESOLUTIONS OF.

*(See Resolutions.)*

## INSTRUCTIONS TO COMMITTEES.

*It shall be in order, pending the motion for, or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.—Rule XVII, clause 1.*

But it has been held that a division of the question is not in order on such a motion.—*Journal*, 1, 31, pp. 1397, 1395; 1, 32, p. 611.

A motion to commit may be amended by adding instructions to the committee.—*Journal*, 2, 47, p. 1724.

A motion to commit or refer with instructions to report a certain amendment is not in order if the proposed amendment is not in order to the pending bill.—*Journal*, 1, 48, pp. 1247, 1248.

A motion to commit under clause 1, Rule XVII, with or without instructions, is subject to amendment under Rule XIX, unless precluded by ordering the previous question on the motion to commit.—*Journal*, 1, 48, p. 1430.

Where a committee has failed to report a resolution of inquiry within one week after its reference, as required by clause 5, Rule XXII, a motion instructing said committee to report the same within a given time is in order as presenting a "privileged question."—*Journal*, 1, 49, p. 1420.

When the House has by resolution instructed the Committee on Appropriations to report a certain provision in an appropriation bill, which, without such instructions, would be out of order, such provision when reported is not subject to a point of order that it changes existing law, or is otherwise in conflict

with the rules of the House.—*Record*, 1, 50, p. 7057 ; 2, 52, p. 1306.

Pending the consideration of the report of a conference committee it is in order to instruct the conferees on the part of the House respecting any matter in dispute between the Houses.—*Record*, 1, 49, p. 7404. But where the House has taken action on the matter reported, as by insisting on its disagreement, asking a further conference, and appointing conferees, the subject is no longer before the House and it is then too late to move an instruction to the conferees.—*Record*, 1, 49, p. 7405.

The motion to insist, etc., takes precedence over the motion to instruct, but instructions to conferees are in order *after* the House has insisted and asked or agreed to a further conference and before the conferees are appointed.—*Record*, 1, 49, p. 7598.

It is not in order to instruct conferees to insist on a proposed amendment inconsistent with the text upon which both Houses have agreed.—*Journal*, 2, 51, p. 333.

(*See Commit; Recommit.*)

#### INTEREST. DISQUALIFYING.

No member shall vote on any question if "he has a direct personal or pecuniary interest in the event of such question." (*See Rule VIII, clause 1.*) Where proposed legislation affects a class as distinct from individuals, it has always been held that a Member has a right to vote.—*Journal*, 1, 43, pp. 771, 772.

It is for the Member himself and not for the Chair to decide as to his right to vote in a particular case.—*Record*, 2, 44, p. 2132.

#### INTERSTATE AND FOREIGN COMMERCE. COMMITTEE ON

(*See Committees.*)

#### INVALID PENSIONS, COMMITTEE ON.

(*See Committees.*)

#### IRRIGATION OF ARID LANDS, COMMITTEE ON.

(*See Committees.*)

## JEFFERSON'S MANUAL.

*The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the House and Joint Rules of the Senate and House of Representatives.—Rule XLIV.*

*(Jefferson's Manual, ante, pp. 101 to 192.)*

## JOINT COMMISSIONS.

*(See Commissions.)*

## JOINT STANDING COMMITTEES.

There are three committees of the two Houses, established by law or rule, which are styled joint committees. They each consist of two practically separate and distinct committees which act independently of each other in respect to the legislative business of their respective Houses. They have, however, joint supervision and control of certain public works and institutions, such as the Library of Congress, Public Printing, etc.

The joint committees are:

The Committee on Printing, established by law.—*R. S., sec. 3656;*

The Committee on the Library.—*Rule XI, clause 54;* and

The Committee on Enrolled Bills.—*Rule XI, clause 56.*

The Committee on Enrolled Bills was established as a joint committee by the joint rules formerly in force. The members of this joint committee on the part of each House, according to the practice, examine and correct enrolled bills originating, respectively, in their own House. All reports from this committee are made exclusively to the House of Representatives, where the enrolled bill is signed first by the Speaker and thence transmitted by the Clerk to the Senate for the signature of the Vice-President.

## JOINT RESOLUTIONS.

The resolving clause of a joint resolution is, "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled" (*R. S., sec. 8*), and, in all respects, joint resolutions are governed by the same rules as bills, the word "bill," where it occurs in the rules, being held to apply equally to a "joint resolution."—*Globe*, 3, 27, p. 384.

Joint resolutions, like bills, are numbered serially in the order of their introduction, and are abbreviated thus: (H. Res. —), indicating House joint resolution, (S. R. —) Senate joint resolution.

Joint resolutions can not be amended so as to convert them into bills or simple resolutions, nor can bills or simple resolutions be so amended as to convert them into joint resolutions.

Joint resolutions of State or Territorial legislatures, being in fact mere memorials, may be presented (as petitions are delivered to the Clerk) by delivery thereof to the Speaker, with the subject-matter, reference, and Member's name indorsed thereon. (*See Rule XXII. clause 3.*)

By the Constitution of the United States and the rules of the two Houses, no absolute distinction is made between bills and joint resolutions, either in regard to the mode of proceeding with them before they become laws, or their force and effect afterwards. For more than fifty years, however, a very marked distinction seems to have been recognized in the legislation of Congress, and the form of joint resolution was resorted to chiefly, and almost entirely, for such purposes as the following, viz: "Proposing an amendment to the Constitution;" "to express the sense of Congress;" "to construe provisions in former laws;" "to admit new States;" "to direct or regulate the printing of documents;" and, until the second session of the Twenty-seventh Congress, no instance is to be found of an appropriation elsewhere than in a bill. During the first fifty years of

the Government the whole number of joint resolutions passed scarcely amounted to two hundred, while since that period the number has been quadrupled, and at the Forty-first Congress alone amounted to more than five hundred. The increase within the latter period in the number of joint resolutions containing appropriations has been in a still greater proportion. The early and long-continued practice of Congress indicates to the framers of the Constitution who sat in the First and succeeding Congresses, and those who followed them for many years, construed the constitutional provision that "no money shall be withdrawn from the Treasury but in consequence of appropriations made by law" as requiring the highest character of law—namely, bills, not joint resolutions.

*(See Resolutions.)*

### JOINT RULES.

*(See Rules.)*

### JOURNAL.

*The Speaker shall \* \* \* cause the Journal of the proceedings of the last day's sitting to be read, having previously examined and approved the same.—Rule I, clause 1.*

*The Clerk shall note all questions of order, with the decisions thereon, the record of which shall be printed as an appendix to the Journal of each session; and complete, as soon after the close of the session as possible, the printing and distribution to Members and Delegates of the Journal of the House, together with an accurate and complete index; retain in the library at his office, for the use of the Members and officers of the House, and not to be withdrawn therefrom, two copies of all the books and printed documents deposited there; send, at the end of each session, a printed copy of the Journal thereof to the executive and to each branch of the legislature of every State and Territory.—Rule III, clause 3.*

*The hour at which the House adjourns shall be entered on the Journal.—Rule XVI, clause 5.*

*Every motion made to the House and entertained by the Speaker be reduced to writing on the demand of any Member, and*

*shall be entered on the Journal with the name of the Member making it, unless it is withdrawn the same day.—Rule XVI, clause 1.*

*Messages received from the Senate and the President of the United States, giving notice of bills passed or approved, shall be entered in the Journal and published in the Record of that day's proceedings.—Rule XLI.*

**BILLS, ETC., ENTERED ON.**

*Members having petitions or memorials or bills of a private nature to present may deliver them to the Clerk, indorsing their names and the reference or disposition to be made thereof; and said petitions and memorials and bills of a private nature, except such as, in the judgment of the Speaker, are of an obscene or insulting character, shall be entered on the Journal with the names of the Members presenting them, and the Clerk shall furnish a transcript of such entry to the official reporters of debates for publication in the Record.*

*All other bills, memorials, and resolutions may, in like manner, be delivered, indorsed with the names of Members introducing them, to the Speaker, to be by him referred, and the titles and references thereof and of all bills, resolutions, and documents referred under the rules, shall be entered on the Journal and printed in the Record of the next day, and correction in case of error of reference may be made by the House in accordance with Rule XI on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.*

*When a bill, resolution, or memorial is introduced "by request," these words shall be entered upon the Journal and printed in the Record.—Rule XXII, clauses 1, 3, 4.*

**REPORTS ENTERED ON.**

*All reports of committees, except as provided in clause 57 of Rule XI, together with the views of the minority, shall be delivered to the Clerk for printing and reference to the proper Calendar under the direction of the Speaker, in accordance with the foregoing clause, and the titles or subjects thereof shall be entered on the Journal and printed in the Record.—Rule XIII, clause 2.*

## NAMES OF MEMBERS ENTERED UPON.

*Members who voluntarily appear shall, unless the House otherwise direct, be immediately admitted to the hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present.*

*On the demand of any Member, or at the suggestion of Speaker, the names of Members sufficient to make a quorum in hall of the House who do not vote shall be noted by the Clerk and recorded in the Journal, and reported to the Speaker with names of the Members voting and be counted and announced determining the presence of a quorum to do business.—Rule X, clauses 2, 3.*

*Each House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may, their judgment, require secrecy; and the yeas and nays of the Members of either House on any question shall, at the desire of one-fifth of the Members present, be entered on the Journal.—Const., 1, 5; 3, 5.*

*The Constitution of the United States requires that "objections" returned to the House by the President with a bill shall be entered "at large on their Journal;" and in all cases the votes of both Houses on the passage of a bill so returned shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House, respectively.—Const., 1, 7; 2, 6.*

*The official record of the proceedings of the House is its Journal.—Journal, 2, 48, p. 554.*

*The House may judge of what are and what are not "proceedings."—Journal, 1, 29, p. 1047.*

*It is not usual to note in the Journal a personal explanation by a Member when no action or proceeding of the House or question of order is based thereon.—Journal, 2, 53, p. 435.*

*It is not in order to place on the Journal indirectly what the House has refused to place there directly.—Journal, 3, 37, pp. 122, 123.*

*All proceedings of the House subsequent to the erroneous announcement of a vote which would have been irregular if such vote had been correctly announced, are to be treated as a*

NAMES OF MEMBERS ENTERED UPON —Continued.

nullity, and are not to be entered on the Journal.—*Journals*, 1, 29, p. 1032; 1, 31, p. 1436.

A demand to enter a protest upon the Journal does not present a question of privilege.—*Journal*, 2, 33, p. 451.

A motion being made to amend the Journal while it is passing under judgment of the House for approval, should said motion to amend be laid on the table, the Journal does not accompany it.—*Journal*, 1, 26, p. 28.

When a Member's vote is incorrectly recorded, it is his right on the next day, while the Journal is before the House for its approval, to have the Journal corrected accordingly.—*Journal*, 2, 30, p. 211. But it is not in order to change a *correct record* of a vote given under a *misapprehension*.—*Journal*, 1, 31, p. 1266.


The rule does not require that absentees or those not voting on a roll call shall be noted in the Journal.—*Journal*, 1, 51, p. 1028.

The fact that a bill is read at length in the House pursuant to the rules does not authorize its publication in full either in the Journal or Congressional Record.—*Journal*, 2, 48, p. 354.

Pending a call of the House and in the absence of a quorum it is not in order to entertain a motion to omit or expunge certain proceedings from the Journal.—*Journal*, 2, 52, p. 107.

Where by an error of the clerk in reporting the vote by yeas and nays the Speaker announces a result different from that shown by the roll, the status of the question must be determined from the vote as actually recorded.—*Record*, 1, 49, p. 7546. If, however, by reason of such error the Speaker announces that the House decides to adjourn, and the House does in fact accordingly disperse and adjourn, although the vote as actually recorded shows a refusal to adjourn, the session of the House when it next meets will be considered not a continuation of the preceding session but as of a new legislative day.—*Record*, 2, 49, p. 314.

The Journal of the proceedings of the last day of a previous session, which has adjourned without day, is not read for approval by the House on the first day of a second or subsequent





## NAMES OF MEMBERS ENTERED UPON—Continued.

session.—*Journal*, 2, 44, pp. 18–22. Neither is the Journal approved the last day of the last session of a Congress approved, the reason that legislative business usually continues up to the very moment of adjournment by limitation.

A motion for a recess, being in the nature of business, was held not in order until after the Journal is read (*Record*, 2, 50, p. 677).

When the point is made before the reading of the Journal that no quorum is present, the practice is for the Speaker to count the House in order to ascertain the fact.—*Journal*, 2, 51, pp. 187, 283.

The approval of the Journal is the transaction of business, a proceeding which affects the regularity and validity of the proceedings of the previous day. The question as to whether or not the proceedings of the House are correctly or incorrectly recorded is always under the control of the House itself.—*Journal*, 1, 50, p. 2945.

When the question on approval of the Journal has been omitted or postponed on several successive days, the question on approving each of them respectively is taken in the chronological order of the Journals.—*Journal*, 2, 53, pp. 337, 338.

Since the rule authorizing the presentation of petitions by delivery to the Clerk for reference under Rule XXII, clause 1, that portion of the Journal which contains the record of petitions handed to the Clerk is not usually read.

The list of bills introduced and referred by delivery to the Clerk or Speaker and reports on private bills are not, according to the practice, read in the House. But it would seem to be the right of any Member to demand the reading of the entire Journal, including such lists.—*Journals*, 1, 51, p. 994; 2, 51, p. 174.

The names of Members voting and of those failing to answer on a roll call are not read unless the reading is specially demanded.

Extracts from the Journal, duly certified by the Clerk, shall be admitted as evidence in the several courts of the United States, and shall have the same force and effect as the original thereof would have if produced in court and proved.—*R. S.*, sec. 895.

## JUDICIARY, COMMITTEE ON THE.

(See Committees.)

## JURISDICTION OF COMMITTEES.

Rule XI defines the jurisdiction of the standing committees as follows:

*All proposed legislation shall be referred to the committees named in the preceding Rule X.*

*Correction in case of error of reference [of a public bill] may be made by the House in accordance with Rule XI on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.—Rule XXII, clause 3.*

*Petitions and private bills which have been inappropriately referred may, by the direction of the committee having possession of the same, be properly referred in the manner originally presented and an erroneous reference of a petition or private bill under this clause shall not confer jurisdiction upon the committee to consider or report the same.—Rule XXII, clause 2.*

Reference of a proposition to a committee by the House confers jurisdiction upon it.—*Journals*, 1, 41, p. 87; 1, 51, p. 87.

It is competent for the House to refer a bill to any committee regardless of the ordinary jurisdiction of such committee.—*Journal*, 1, 48, p. 703.

It is not competent for a committee to report a bill when the subject-matter has not been referred to it by the House.—*Journal*, 1, 51, p. 967.

It is not in order for a committee to propose to pass under suspension of the rules a bill or resolution which has not been referred to it, or which it has not authority to report.—*Journals*, 1, 48, p. 1108; 1, 51, p. 967.

It is within the power of the House to authorize a committee to consider in the course of an investigation testimony taken before a committee of a previous Congress.—*Journal*, 1, 46, pp. 442, 443.

Bills, executive communications, etc., frequently embrace a subject or subjects within the proper jurisdiction of different

committees. In such cases the principal object of the proposition controls its reference; or if the objects are of nearly equal importance, it is referred to the committee which has already, by a previous reference of similar measures, acquired jurisdiction of the general subject. (*See Record, 1, 51, pp. 2046, 2047.*)

A resolution of inquiry asking information relative to the construction of public works built for the improvement of navigation may properly be referred to either the Committee on Rivers and Harbors or the Committee on Interstate and Foreign Commerce.—*Journal, 1, 52, p. 107.*

A provision in the sundry civil appropriation bill, making appropriation for the improvement of rivers and harbors pursuant to contracts authorized by a river and harbor appropriation act, was held to be in order as within the jurisdiction of the Committee on Appropriations.—*Record, 2, 52, p. 1065.*

Where the House has by resolution instructed the Committee on Appropriations to report a certain provision in an appropriation bill, which, without such instructions, would be out of order, such provision when reported is not subject to a point of order that it changes existing law, or is otherwise in conflict with the rules of the House.—*Record, 2, 52, p. 1306.*

The jurisdiction of a committee of conference is confined to matters in dispute between the two Houses, and such committee has no authority to report, as an amendment, a provision which is neither germane to the text of the bill nor to the amendment which is the subject of disagreement.—*Journal, 2, 52, pp. 137-139.*

(*See Committees.*)

#### LABOR, COMMITTEE ON.

(*See Committees.*)

#### LAWS OF THE UNITED STATES.

The Secretary of State shall furnish the Congressional Printer with a correct copy of every act and joint resolution as soon as possible after its approval by the President of the United States, or after it shall have become a law in accordance with the Constitution without such approval; and also

of every treaty between the United States and any foreign Government after it shall have been duly ratified and proclaimed by the President, and of every postal convention made between the Postmaster-General, by and with the advice and consent of the President, on the part of the United States, and equivalent officers of foreign Governments on the part of their respective countries.—*R. S., secs. 210 and 3803.*

The Congressional Printer, on receiving from the Secretary of State a copy of any act or joint resolution, or treaty, shall immediately cause an accurate printed copy thereof to be executed and sent in duplicate to the Secretary of State for revision. On the return of one of the revised duplicates, he shall at once have the marked corrections made, and cause to be printed and sent to the Secretary of State any number of copies which he may order, not exceeding five hundred, and to be printed separately and sent to the two Houses of Congress the usual number.—*R. S., sec. 3805.*

At the close of each session of Congress there shall be printed and bound for the use of the Senate three thousand, and for the use of the House of Representatives ten thousand copies of all acts and resolutions so furnished, with a complete alphabetical index, prepared under the direction of the Joint Committee on Public Printing.—*R. S., sec. 3807.*

By the act of March 3, 1875 (*Laws, 2, 43, p. 401*), this index is to be prepared under the direction of the Department of State.

The Secretary of the Interior shall cause to be published, at the close of every session of Congress, and as soon as practicable, eleven thousand copies of the acts and resolutions passed by Congress, the amendments to the Constitution adopted, and all public treaties and postal conventions made and ratified since the then last publication of the laws.—*R. S., sec. 3808.*

#### REVISION OF.

The Revised Statutes (first edition) as originally adopted at the first session of the Forty-third Congress embrace statutes of a general and permanent nature in force December 1, 1873.

By the act of March 2, 1877, a new edition of the Revised Statutes was authorized, in which should be incorporated all amendments made to the original text subsequent to Decem-

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## REVISION OF—Continued.

ber 1, 1873, and up to the close of the Forty-fourth Congress, the same to be prepared by the 1st day of January, 1878. This volume is known as the second edition, or the edition of 1878.

By joint resolution of June 7, 1880 (21 Stat. L., p. 308), the publication of a supplement to the Revised Statutes was authorized, which should embrace statutes, general and permanent in their nature, passed subsequent to the adoption of the Revised Statutes, including laws of the Forty-fifth and Forty-sixth Congresses.

Under this resolution a supplement was published in 1881, designated Volume 1. It was then supposed that other volumes might follow as subsequent legislation should require. But the act of April 3, 1890 (26 Stat. L., p. 50), provided for a continuation of the publication to be issued in one volume, embracing the general laws passed after the Revised Statutes and including those of the Forty-seventh, Forty-eighth, Forty-ninth, Fiftieth, and Fifty-first Congresses. By authority of that act the Supplement to the Revised Statutes, edition 1891, was published. It practically supersedes Volume 1, as the general laws now in force therein contained are embraced in the present publication, which contains all the permanent general laws in force November 2, 1891, passed subsequently to the Revised Statutes, from 1874 to 1891, inclusive.

## LAY ON THE TABLE, MOTION TO.

(*See Motions.*)

When a question is under debate, motions have precedence in the following order:

To adjourn,	} Which are not debatable.
To lay on the table,	
For the previous question,	

(*See Rule XVI, clause 4.*)

When the House has under consideration a bill of the Senate it is not considered respectful to that body to lay the bill on the table. When adverse action on such bill is desired it is usual to postpone, recommit, or to postpone it indefinitely.

A motion to *suspend the rules* and agree to an undebatable motion—*e. g.*, a motion to lay on the table—is, pursuant to Rule XXVIII, subject to debate for forty minutes.

A negative vote on a motion to lay on the table may be reconsidered.—*Journal 2, 32, p. 234.*

If a motion to reconsider be laid on the table, the latter vote can not be reconsidered.—*Journals, 3, 27, p. 334; 1, 33, p. 357.*

**WHEN IN ORDER AND WHEN NOT.**

The motion to lay on the table is in order pending the consideration of Senate amendments to a bill.—*Journal, 1, 33, p. 1250.*

The motion to lay on the table is in order under general parliamentary law prior to the adoption of rules.—*Journal 1, 51, p. 144.*

Where a motion has already been made and negatived to lay a bill on the table, and no change or alteration has been made in the bill, or no proceeding directly touching its merits has since taken place, the motion to lay on the table can not be repeated.—*Journal, 2, 27, p. 890.* But under the invariable practice, the motion may be entertained at every new stage of the bill or proposition, and upon any proceeding having been had touching its merits.

A motion to resolve into Committee of the Whole can not be laid on the table.

The House having already reconsidered a vote refusing to lay a bill on the table, and having again refused to lay the bill on the table, it is not in order to repeat the motion to reconsider the vote by which the House refused to lay on the table, thus indefinitely piling up motion on motion.—*Journal, 1, 52, p. 115.*

It is not in order to move to lay on the table the motion to commit provided in clause 1, Rule XVII, the object of the rule being to permit a direct vote on the motion to commit.—*Record, 1, 49, p. 694.*

A bill being reported from a Committee of the Whole with the recommendation that the enacting clause be stricken out, a motion to lay the bill on the table was held not in order.—*Journal, 1, 43, p. 629.*

It was held not to be in order to move to reconsider the vote by which an appeal from a decision of the Chair has been laid on the table.—*Journal, 1, 44, p. 1192.*

## EFFECT OF.

Under the parliamentary law, this motion is only made "when the House has something else which claims its present attention, but would be willing to reserve in their power to take up a proposition whenever it shall suit them."—*Manual*, p. 150. But in the House of Representatives it is usually made for the purpose of giving a proposition or bill its "death blow;" and when it prevails, the measure is rarely ever taken up again during the session.

In general, whatever adheres to the subject of this motion goes on the table with it; as, for example, where a motion to amend is ordered to lie on the table, the subject which it is proposed to amend goes there with it.—*Cushing*, p. 565. But it is not so with the Journal, where it is voted to lay upon the table a proposed amendment thereto (*Journal*, 1, 26, p. 28), nor with the subject out of which a question or order may arise, where the appeal is laid on the table, the decision of the Chair being thereby virtually sustained (*Journal*, 1, 26, p. 52), nor with the bill or other proposition, where the motion to reconsider a vote thereon is laid on the table.

Where a bill is laid on the table pending the motion to refer and print, the motion to print, as well as all other motions connected with it, accompanies it.—*Journal* 2, 32, p. 195. But where, as in case of a message, report, etc., it is moved to lay on the table and print, the said motion may be voted on as a entirety, or under clause 6, Rule XVI, it may be divided, and a separate vote taken on each branch of the motion.—*Journal* 1, 32, p. 337.

## LEAVE TO REPORT AT ANY TIME.

(See clause 57, Rule XI.)

A committee having leave to report at all times may report in part at different times.—*Journal*, 1, 27, p. 204.

The right to report at any time carries with it the right to consider the matter when reported.—*Journal*, 1, 32, p. 195.

Bills or resolutions of a public character, except such as present questions of high privilege, can not, in order, be reported or considered on Friday, under the practice, until private business has been dispensed with or postponed.

A bill having been recommitted to a committee with leave to report at any time, and the same being immediately reported by its chairman, is subject to the point that the committee have not considered it.—*Journal*, 2, 50, p. 536.

If a committee fails to report a resolution of inquiry within one week, the report is still privileged whenever reported.—*Journal*, 1, 52, pp. 296, 297.

The consideration of business reported from committees having leave at any time (except the Committee on Rules), is not in order on a day set apart for another class of business (*Journal* 1, 52, p. 239); at least, until the House has disposed of or refused to consider the business for which the day is assigned.—*Journal*, 1, 52, p. 239.

When a committee privileged to report at any time reports a measure which must be first considered in Committee of the Whole, it is in order immediately after such report is made to move to resolve into Committee of the Whole to consider it. Otherwise the right to immediately consider the privileged report would not be available.—*Journal*, 1, 49, p. 2360.

For an enumeration of committees authorized to report certain measures at any time, see *Reports, Privileged*.

#### LEGISLATIVE DAY.

There must be an adjournment before the legislative day will terminate (*Journal*, 1, 33, p. 804), and an adjournment does not take place by reason of the arrival of the time for the regular daily meeting of the House.—*Journal*, 1, 33, pp. 803, 811. And an adjournment does not necessarily take place at 12 a. m. on Sunday, nor is it against order for a majority to continue in session after the said hour, it being a question which must be left to be decided by the judgment and discretion of the House itself.—*Journal*, 1, 24, pp. 577, 582; *Record*, 2, 44, p. 2242.

If by reason of an error the Speaker announces that the House decides to adjourn, and the House does in fact accordingly disperse and adjourn, although the vote as actually recorded shows a refusal to adjourn, the session of the House when it next meets will be considered not a continuation of the



preceding session but as of a new legislative day.—*Record*, 2, 49, p. 314.

A session of the House extending, by failure to adjourn, into the next calendar day, a special order for the latter day is pre-  
 terminated, the session being of the legislative not the calendar day.—*Record*, 1, 50, pp. 2749, 2755; *Journal*, 1, 50, pp. 1479, 1—191.

The legislative day of March 3 of the final session of a Congress is held to terminate on March 4, at 12 o'clock ~~am.~~, unless a motion is made and carried for an adjournment previous to that hour.—*Globe*, 2, 31, pp. 784, 818–820; *Record*, 3, 46, p. 2456. The Speaker, according to the later practice, when the hour of 12 arrives adjourns the House without motion, a roll call having been frequently interrupted for that purpose.—*Globe*, 2, 35, p. 1684. And this has been the practice since the Thirty-fifth Congress.

(See also *Adjournment sine die*, ante, p. 244.)

#### LIBRARY OF CONGRESS.

The Library of Congress, composed of the books, maps, and other publications which now remain in existence from the collections heretofore united under the act of January twenty-six, eighteen hundred and two, chapter two; the resolution of October twenty-one, eighteen hundred and fourteen; the act of January thirty, eighteen hundred and fifteen, chapter twenty-seven; the resolution of July twenty-five, eighteen hundred and sixty-six; the act of March two, eighteen hundred and sixty-seven, chapter one hundred and sixty-seven, section one; and those added from time to time by purchase, exchange, donation, reservation from publications ordered by Congress, deposit to secure copyright, and otherwise, shall be preserved in the Capitol in the rooms which were, on the fourth day of July, eighteen hundred and seventy-two, appropriated to its use, and in such others as may hereafter be assigned thereto.—*R. S.*, sec. 80.

The Library of Congress shall be arranged in two departments, a general library and a law library.—*R. S.*, sec. 81.

The unexpended balance of any sums appropriated by Congress for the increase of the general library, together with such sums as may hereafter be appropriated to the same purpose, shall be laid out under the direction of a joint committee of

Congress on the Library, to consist of three members of the Senate and three members of the House of Representatives.—*R. S., sec. 82.*

**SUPERVISION OF.**

The Joint Committee on the Library is authorized to establish regulations, not inconsistent with law, in relation to the Library of Congress or either department thereof, and from time to time alter, amend, or repeal the same; but such regulations as to the Law Library shall be subject to those imposed by the justices of the Supreme Court, under section ninety-five. And until they impose new regulations or restrictions, the care and business of the Library shall continue to be regulated by such rules as may have been heretofore imposed by any lawful authority.—*R. S., sec. 85.*

The Joint Committee on the Library may, at any time, exchange or otherwise dispose of duplicate, injured, or wasted books of the Library, or documents, or any other matter in the Library not deemed proper to it, as they deem best.—*R. S., sec. 86.*

The Joint Committee on the Library may, from time to time, appoint such agents as they deem requisite to carry into effect the donation and exchange of documents and other publications placed at their disposal for the purpose.—*R. S., sec. 87.*

The President, solely, shall appoint, from time to time, a Librarian to take charge of the Library of Congress.—*R. S., sec. 88.*

No map shall be taken out of the Library by any person.—*R. S., sec. 92.*

No books shall be taken from the Library except by the President, the Vice-President, Senators, Representatives, and Delegates in Congress, and the persons enumerated in section 94 or otherwise authorized by law.—*R. S., sec. 93.*

**WHO MAY DRAW BOOKS FROM.**

The Joint Committee on the Library is authorized to grant the privilege of using and drawing books from the Library in the same manner and subject to the same regulations as Members of Congress to any of the following persons:

First. Heads of Departments.

## WHO MAY DRAW BOOKS FROM—Continued.

Second. The Chief Justice and Associate Justices, ~~the~~ the reporter and clerk of the Supreme Court.

Third. Members of the Diplomatic corps.

Fourth. The Judges and the clerk of the Court of Claims.

Fifth. The Solicitor-General and Assistant Attorneys—General.

Sixth. The Secretary of the Senate.

Seventh. The Clerk of the House of Representatives.

Eighth. The Chaplains of the two Houses of Congress.

Ninth. The Solicitor of the Treasury.

Tenth. The financial agent of the Joint Committee on the Library.

Eleventh. The Smithsonian Institution, through its Secretary.

Twelfth. Any person, when in the District of Columbia, who has been President.—*R. S., sec. 94.*

Regents of the Smithsonian Institution, resident in Washington, have this privilege.—*Laws, 2, 43, p. 512.*

The members and secretary of the Interstate Commerce Commission, and the Chief of Engineers of the Corps of Engineers, United States Army, resident in Washington.—*26 Stat. L., p. 678.*

The Chief Justice and Associate Justices of the Court of Appeals of the District of Columbia, and the Chief Justice and Associate Justices of the Supreme Court of said District.—*28 Stat. L., p. 577.*

The Justices of the Supreme Court shall have free access to the Law Library; and they are authorized to make regulations, not inconsistent with law, for the use of the same during the sittings of the court. But such regulation shall not restrict any person authorized to take books from the library from having access to the law library, or using the books therein in the same manner as he may be entitled to use the books of the general library.—*R. S., sec. 95. (See also R. S., sec. 97.)*

## LIBRARY, JOINT COMMITTEE ON.

This committee was created by a joint rule adopted on the 7th of December, 1843 (first session Twenty-eighth Congress), and was composed of three Members of each House, their

duties being “to superintend and direct the expenditure of all moneys appropriated for the Library, and to perform such other duties as are or may be directed by law.”

The Senate rule (XXV) provides that its committee “shall have power to act jointly with the same committee of the House of Representatives,” but the House rule (X) merely creates the committee, and Rule XI (prescribing the powers and duties of committees), clause 54, provides that “all proposed legislation touching the Library of Congress, statuary, and pictures shall be referred to the Joint Committee on the Library.”

The portion of the Joint Committee of Congress upon the Library on the part of the Senate remaining in office as Senators shall during the recess of Congress exercise the powers and discharge the duties conferred by law upon the Joint Committee of Congress upon the Library.—*22 Stat. L., p. 592.*

There shall be a superintendent, assistant, and two additional laborers in the Botanical Garden and greenhouses, who shall be under the direction of the Joint Committee on the Library.—*R. S., sec. 1827.*

The Joint Committee on the Library, whenever in their judgment it is expedient, are authorized to accept any works of the fine arts on behalf of Congress which may be offered, and to assign the same such place in the Capitol as they may deem suitable, and shall have the supervision of all works of art that may be placed in the Capitol.—*R. S., sec. 1831.*

No work of art or manufacture not the property of the United States shall be exhibited in the Capitol, nor shall any room in the Capitol be used for private studios or works of art, without permission from the Joint Committee on the Library, given in writing. And it shall be the duty of the Architect of the Capitol Extension to carry these provisions into effect.—*18 Stat. L., p. 376; 20 Stat. L., p. 391.*

(See Committees.)

#### LIBRARY OF THE HOUSE.

There shall be retained in the library of the Clerk's office “for the use of the Members and officers of the House, and not to be withdrawn therefrom, two copies of all the books and printed documents deposited there.”—See Rule III, clause 3.

A library of the House is kept on the gallery floor, north side. A branch of this library is also kept within the hall of the House.

The library of the House consists chiefly of volumes of the Statutes of the United States, United States Supreme Court Reports, Reports of Committees of Congress; the Journals of the two Houses, the Annals of Congress, Congressional Debates, the Congressional Globe, and the Congressional Record.

For list of books sent to the House Library see *Public Printing*.

#### MACE.

By a resolution of the House of April 14, 1789 (*Journals*, 1, 1, p. 14), it was directed that a proper symbol of office should be provided for the Sergeant-at-Arms, of such form and device as the Speaker should direct; and by Rule IV, clause 2, it is directed that the symbol of his office (the mace) shall be borne by the Sergeant-at-Arms when in the execution of his office.

The mace of the House is a representation of the Roman fasces surmounted by a globe and an eagle, both of silver. The mace during the sessions of the House is kept in an upright position on a pedestal at the right of the Speaker's chair, and is not taken down during a recess. It is taken down, however, when the House resolves into Committee of the Whole, and is replaced in position when the Speaker resumes the chair. It is also taken from its pedestal and borne by the Sergeant-at-Arms while enforcing order on the floor under the direction of the Speaker.

#### MANUFACTURES, COMMITTEE ON.

(See Committees.)

#### MEETING OF CONGRESS.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.—*Const.*, 1, 4; 2, 5.

The President may, on extraordinary occasion, convene both Houses, or either of them.—*Const.*, 2, 3, 17.

**ORGANIZATION OF THE HOUSE.**

On the day fixed for the first meeting of a Congress, the Members-elect assemble in the Hall of the House of Representatives, and at the hour of 12 o'clock m. are called to order by the Clerk of the last House, standing at his desk. Having requested the Members-elect to respond to their names as called he proceeds to call the roll by States in alphabetical order. In making up said roll he is directed to place thereon the names of those persons, and of such persons only, whose credentials show that they were regularly elected in accordance with the laws of their States, respectively, or the laws of the United States.—

*R. S., sec. 31.* Having ascertained whether or not a quorum is present, he announces the fact to the House. If a quorum shall have answered, it is then usual for him to state that the next order of business is the election of a Speaker, and for some Member to move "that the House do now proceed to the election of Speaker." The question on this motion having been put by the Clerk, and decided affirmatively, he then designates four Members, who shall act as tellers of the vote about to be taken, usually making his selection from members of different parties. The tellers having taken their seats at the Clerk's desk, and nominations having been made and recorded, the Clerk then proceeds to call the roll of Members alphabetically, each Member, as his name is called, pronouncing audibly the name of the person voted for, which is recorded by the tellers and also by the Clerk (through one of his assistants) in a column under that of the Member voted for. After the roll call is completed, and every Member present (and desiring it) has voted, the lists of voters for each candidate are read over by the Clerk, when one of the tellers rises and announces to the House what number of votes each candidate has received. If no person shall have received a majority of all the votes given, the House then proceeds (if no other order be taken) to a *second* vote, and so on until an election is effected. But if any person shall have received a majority of all the votes given, and a quorum has voted, the Clerk declares such person "duly elected Speaker of the House of Representatives for the —— Congress." The Clerk then designates two Members (usually of different politics, and from the num-

## ORGANIZATION OF THE HOUSE—Continued.

ber of those voted for as Speaker) "to conduct the Speaker-elect to the chair;" and also one Member (usually that one who has been longest in continuous service a Member of the House) "to administer to him the oath required by the Constitution and laws of the United States." In case of vacancy in the office of Clerk, or of his absence or inability, the duties imposed on him by law or custom relative to the preparation of the roll or the organization of the House shall devolve on the Sergeant-at-Arms; and in case of vacancies in both of said offices, or of their absence or inability to act, the said duties shall be performed by the Doorkeeper. Having been conducted to the chair, it is usual for the Speaker to deliver to the House a brief address, which being concluded, the oath is administered to him, and he then takes his seat as the presiding officer of the House. (*See Oath.*) He then directs the Clerk to call the roll of Members by States, requesting each Member, as his name is called, to approach the Chair, when he administers to them the oath to support the Constitution of the United States. The organization of the House is then completed by the election of the officers named in Rule II, after which the Delegates from the Territories are then called and sworn.

At this stage it is usual for the House to adopt an order "that a message be sent to the Senate to inform that a quorum of the House of Representatives has assembled, and that \_\_\_\_\_, one of the Representatives from State of \_\_\_\_\_, has been chosen Speaker, and \_\_\_\_\_, a citizen of the State of \_\_\_\_\_, has been chosen Clerk, and that House is now ready to proceed to business."

And then, or upon the receipt of a message from the Senate, informing the House of the presence of a quorum in that body, it is usual for the House to adopt the following order: "That a committee of three Members be appointed on the part of the House, to join such committee as may be appointed on the part of the Senate, to wait on the President of the United States and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may be pleased to make."

It was for a long time the custom to adopt a resolution providing "that the rules and orders of the last House of Representatives be adopted."



## ORGANIZATION OF THE HOUSE—Continued.

sentatives be adopted for the government of this House until otherwise ordered." The adoption of the following rule during the Thirty-sixth Congress, viz, "These rules shall be the rules of the House of Representatives of the present and succeeding Congresses, unless otherwise ordered," was for the purpose of rendering such a resolution unnecessary.

An order providing for the hour of the daily meeting of the House is among the earliest thereafter adopted.

The foregoing are the proceedings which *usually* take place upon the assembling of a new House of Representatives, and which generally occur on the *first day* of the meeting of Congress.

There have been occasions, however, where the proceedings were very different, and where the organization of the House was much longer delayed.

In the Twenty-sixth Congress, where the Clerk, upon the call of the roll by States for the ascertainment of the presence of a quorum, proposed to omit the call of either of the claimants for each of several contested seats, on the fifth day of the session a chairman was appointed "to serve until the organization of the House by the election of a Speaker;" and such election did not take place until eleven days thereafter.—*Journal*, 1, 26, pp. 6, 79.

In the Thirty-first Congress, by reason of a failure of a majority to vote for any candidate, there was no election of Speaker for nearly a month after the meeting. (*Journal*, 1, 31, pp. 3 to 161); and in the Thirty-fourth Congress, for the same cause, an election for Speaker did not take place for two months after the meeting.—*Journal*, 1, 34, pp. 3 to 446. Also in the Thirty-sixth Congress, for the same cause, the election of a Speaker was delayed for two months.—*Journal*, 1, 36, pp. 8 to 162.

During the three last-named periods, while the House was without a Speaker, the Clerk presided over its deliberations; not, however, exercising the functions of Speaker to the extent of deciding questions of order; but, as in the case of other questions, putting them to the House for its decision. To relieve future Houses of some of the difficulties which grew out of the very limited power of the Clerk as a presiding officer,



## ORGANIZATION OF THE HOUSE—Continued.

the House of the Thirty-sixth Congress adopted the One hundred and forty-sixth and One hundred and forty-seventh rules (now Rule III, clause 1).

In the Thirty-first and Thirty-fourth Congresses a Speaker was finally elected by a *plurality* vote; such mode of election, however, was previously authorized by a resolution of the House, and subsequently confirmed by a resolution declaring him "duly elected."—*Journals*, 1, 31, pp. 156, 163, 164; 1, 34, pp. 429, 430, 444.

At a second or subsequent session of Congress the Members are called to order by the Speaker, when he causes the Clerk to call the roll of Members by States, for the purpose of ascertaining whether or not a quorum is present. As soon as a quorum has answered, it is usual for the House to pass an order "that the Clerk inform the Senate that a quorum of the House of Representatives has assembled, and is ready to proceed to business;" and subsequently, as at the first session, pass an order for the appointment of a committee to wait on the President. An order is also passed fixing, until otherwise ordered, the hour of daily meeting, although the hour fixed the preceding session remains in force until changed.

## IN EXTRAORDINARY SESSION.

The proceedings in the organization of the House of Representatives of a Congress convened by the President in extraordinary session are the same as at a regular session, except that the Clerk immediately upon calling the House to order, and before calling the roll of Members, reads the proclamation of the President convening the Congress.

(See *Sessions of Congress*.)

## MEMBERS.

*Every Member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented, and shall vote on each question put, unless he has a direct personal or pecuniary interest in the event of such question.*—Rule VIII, clause 1.

(See *Absent Members*.)

(See *Rule XIV, Decorum and Debate*.)

## QUALIFICATIONS OF.

No person shall be a Representative who shall not have attained the age of twenty-five years, and have been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.—*Const.*, 1, 2, 2, 2.

No person shall be a Representative in Congress \* \* \* who, having previously taken an oath, as a Member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.—*Const. Amendment XIV*, p. 31.

By the act of May 22, 1872 (*17 Stat. L.*, p. 142), the disabilities imposed by the foregoing article are removed from all persons whomsoever, except Senators and Representatives of the Thirty-sixth and Thirty-seventh Congresses, officers in the judicial, military, and naval service of the United States, heads of Departments, and foreign ministers of the United States.

## ELECTION OF.

Each House shall be the judge of the elections, returns, and qualifications of its own Members.—*Const.*, 1, 5, 1, 5.

(*See Elections, Contested.*)

The time, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators.—*Const.*, 1, 4, 1, 4.

The Tuesday after the first Monday in November, 1876, and in every second year thereafter is fixed for the election in each of the States and Territories of Representatives and Delegates to the Congress commencing on the 4th of March thereafter. In case of failure to elect or a vacancy, an election to fill such vacancy shall be held at such time as may be provided for by law in the State or Territory where the same may occur. The number of Representatives shall be reduced in the proportion which the number of male citizens being

**ELECTION OF**—Continued.

twenty-one years of age denied the right to vote therein shall bear to the whole number of male citizens twenty-one years of age in said State.—*R. S., secs. 25, 26.*

(*See Apportionment.*)

When vacancies happen in the representation from any State the executive authority thereof shall issue writs of election to fill such vacancies.—*Const., 1, 2, 4, 3.*

In making out the roll of Members-elect at the first meeting of a Congress, the Clerk of the next preceding House shall place thereon the names of those persons, and of such persons only, whose credentials show that they were regularly elected in accordance with the laws of their States, respectively, or the laws of the United States.—*R. S., sec. 31.*

**COMPENSATION OF.**

Representatives shall receive a compensation for their services to be ascertained by law, and paid out of the Treasury of the United States.—*Const., 1, 6, 1, 5.*

(*See Compensation; Mileage.*)

In all cases of a vacancy in either House of Congress, by death or otherwise of any member elected or appointed thereto, after the commencement of the Congress to which he shall have been elected, each person afterwards elected or appointed to fill such vacancy shall be compensated and paid from the time that the compensation of his predecessor ceased.—*R. S., sec. 51.*

**TERM OF SERVICE.**

The term of service of Members is construed to begin on the 4th of March, immediately after the expiration of the preceding Congress.

The day of the expiration of a Congress, March 4, is not specifically fixed by the Constitution or any statute. It results from the fact that the First Congress under the Constitution was authorized to commence, and did commence, its proceedings on the first Wednesday in March, 1789, which fell on the 4th day of the month. Article 1, section 2, of the Constitution, providing that members shall be chosen every second year, has been construed by usage, at least, as limiting the term to two years. Whence it follows that a Congress must expire on the 4th day of March of every odd year.

(*See Adjournment sine die, ante, pp. 246–8.*)

## PROHIBITED FROM HOLDING CERTAIN OFFICES.

No Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.—

*Const., 1, 6, 2, 5.*

No Representative shall be appointed an elector.—*Const., 2, 1, 2, 14.*

No Member shall practice in the Court of Claims.—*R. S., sec. 1058.*

## PRIVILEGES OF.

The Senators and Representatives shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.—*Const., 1, 6, 1, 5.*

*(See Privilege.)*

A Member of the House, Thirty-ninth Congress, having been arrested and detained on civil process, and the matter being referred to the Committee on the Judiciary, that committee reported a resolution directing that a warrant issue commanding him [to] deliver the Member from the custody of the officer by whom he was detained. The resolution was adopted; the warrant was afterwards returned executed, and the Member restored to his seat in the House.—*Journal, 2, 39, 103, 105.*

It was held in a recent decision by Judge Dyer, of the United States district court for the eastern district of Wisconsin, that the privilege of a Member extends to exemption from service of process even though not accompanied with an arrest.

Also held: That the time allowed for going to and returning from the Capitol must be construed as a reasonable time; and that a slight deviation from the usual route for rest, convenience, or because of sickness, did not terminate or suspend the exemption.—*Miner V. Markham, decided August 9, 1886. Federal Law Reporter.*

Each House may determine the rules of its proceedings,

## PRIVILEGES OF—Continued.

punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member.—*Const.*, 1, 5, 2, 5.

This power is evidently given to enable each House to exercise its constitutional functions of legislation unobstructed. It can not vest in Congress a jurisdiction to try a Member for an offense committed before his election; for such offense a Member, like any other citizen, is amenable to the courts alone.—*House Report No. 815, Judiciary Committee, 1, 44.*

A smaller number than a quorum may be authorized to compel the attendance of absent Members in such manner and under such penalties as each House may provide.—*Const.*, 1, 5; 1, 5.

## RESIGNATION OF.

The right of a Member to resign his seat as a Representative can not be questioned by the House.—*Globe*, 2, 41, p. 1547.

A communication from a Member, informing the House that he had transmitted to the governor of his State his resignation of his seat in Congress, held to be sufficient evidence that he is no longer a Member of the House.—*Journal*, 2, 41, p. 373.

The resignation is made to the governor of the State, but the name of the Member remains on the roll of the House until the House is formally notified of the resignation, either by the Member himself or by the governor of his State.—*See House Report No. 2679, Judiciary Committee, 2, 48.*

## BRIBERY OR ATTEMPTED BRIBERY OF.

Every person who promises, offers, gives, or causes, or procures to be promised, offered, or given, any money or other thing of value, or makes or tenders any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, to any Member of either House of Congress, either before or after such Member has been qualified or has taken his seat, with intent to influence his vote or decision on any question, matter, cause, or proceeding which may be at any time pending in either House of Congress, or before any committee thereof, shall be fined not more than three times the amount of money or value of the thing so offered, promised, given, made, or tendered, or caused or procured to be so offered, promised, given, made, or

BRIBERY OR ATTEMPTED BRIBERY OF—Continued.

tendered, and shall be, moreover, imprisoned not more than three years.—*R. S., sec. 5450.*

Any Member of either House of Congress who asks, accepts, or receives any money or any promise, contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value either before or after he has been qualified or has taken his seat as such Member, with intent to have his vote or decision on any question, matter, cause, or proceeding which may be at any time pending in either House or before any committee thereof, influenced thereby, shall be punished by a fine not more than three times the amount asked, accepted, or received, and by imprisonment not more than three years.—*R. S., sec. 5500.*

(*See Bribery.*)

No Member of Congress shall be interested in any public contract, under a penalty of three thousand dollars fine; and if any officer of the United States, on behalf of the United States, shall make such a contract with a Member of Congress, he shall be liable to the same penalty.—*See R. S., secs. 3739 to 3742.*

Every Member of Congress or any officer or agent of the Government who, directly or indirectly, takes, receives, or agrees to receive any money, property, or other valuable consideration whatever, from any person for procuring, or aiding to procure, any contract, office, or place from the Government or any Department thereof, or from any officer of the United States for any person whatever, or for giving any such contract, office, or place to any person whomsoever, and every person who, directly or indirectly, offers or agrees to give, or gives, or bestows any money, property, or other valuable consideration whatever, for the procuring or aiding to procure any such contract, office, or place, and every Member of Congress who, directly or indirectly, takes, receives, or agrees to receive any money, property, or other valuable consideration whatever after his election as such Member for his attention to, services, action, vote, or decision on any question, matter, cause, or proceeding which may then be pending, or may by law or under the Constitution be brought before him in his

**BRIBERY OR ATTEMPTED BRIBERY OF—Continued.**

official capacity, or in his place as such Member of Congress shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than two years and fined not more than ten thousand dollars. And any such contract and agreement may, at the option of the President, be declared absolutely null and void: and any Member of Congress or officer convicted of a violation of this section shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States.—*R. S., sec. 1781.*

No Senator, Representative, or Delegate, after his election and during his continuance in office, and no head of a Department, or other officer or clerk in the employ of the Government, shall receive or agree to receive any compensation whatever, directly or indirectly, for any services rendered, or to be rendered, to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party, or directly or indirectly interested, before any Department, court-martial, bureau, officer, or any civil, military, or naval commission whatever. Every person offending against this section shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than two years and fined not more than ten thousand dollars, and shall, moreover, by conviction therefor, be rendered forever thereafter incapable of holding any office of honor, trust, or profit under the Government of the United States.—*R. S., sec. 1782.*

**MEMORIALS.**

*(See Petitions.)*

**MERCHANT MARINE AND FISHERIES.**

*(See Committees.)*

**MESSAGES FROM THE PRESIDENT.**

*Messages from the President shall be referred to the appropriate committees without debate.—Rule XXIV, clause 2.*

The President shall, from time to time, give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient.—*Const., 2, 3, p. 17.*

The annual message of the President, with the accompanying documents, is usually communicated to the House at the commencement of each session, but usually not until after he has been notified through a joint committee of the two Houses that a quorum of each body has assembled and is ready to receive any communication he may be pleased to make; although it was otherwise in the Thirty-fourth and Thirty-sixth Congresses, the messages having been communicated on the first occasion on the 31st of December, and on the latter not only before the appointment of such committee, but before the election of the Speaker, which latter did not take place until the month of February. (*See Journals, 1, 34, pp. 221 to 228, 231, 233, 444, 511; 1, 36, p. 83.*)

Where the subject of a message is of a nature that it can properly be communicated to both houses of Parliament, it is expected that this communication should be made to both on the same day. But where a message was accompanied with an original declaration, signed by the party to which the message referred, its being sent to one house was not noticed by the other, because the declaration, being original, could not possibly be sent to both houses at the same time.—*Manual, p. 179.* So, too, in Congress, where they can be properly made, communications are expected to be made to both Houses on the same day, except where the communication may be in response to a call from one branch only. The parliamentary practice prevails, too, in regard to the communication of an original paper. (*See Journal, 1, 35, p. 270.*)

Where the President approves a bill, it is customary for him to notify the House in which it originated of the fact and the date of approval, which is entered on the Journal. (*See Rule 41.*)

A similar notification is also given in case a bill is allowed to become a law by his failure to return the same with objections.

(*See President of the United States.*)

Message returning bill with objections.

(*See Veto.*)

#### HOW COMMUNICATED.

All messages from the President are in writing, and are sent to the House by his private secretary, or such other person as he may delegate, and, as in the case of messages from the Sen-



## HOW COMMUNICATED—Continued.

ate, are announced at the door by the Doorkeeper and handed to the Speaker.

A message from the President is communicated to the House by one of his secretaries, upon whose appearance, according to the practice, the pending business is temporarily suspended for the purpose of receiving it; and if the House is in Committee of the Whole the Speaker resumes the chair without the formality of a motion to rise, and immediately vacates it after the message is presented.

## HOW DISPOSED OF.

Where the message is of special importance or urgency it is customary for the Speaker to lay it before the House and cause it to be read and referred immediately after its presentation by the President's secretary.

Whenever taken up, messages from the President are always read at length, the House never, as in the case of other communications, dispensing with the reading; but documents accompanying the message are not usually read by the Clerk; and the message (but not the documents) is entered in full in the Journal.

The reading of a message from the President, when laid before the House, may be demanded as a matter of right, but not the reading of documents accompanying the message.—*Journal 2, 53, p. 41.*

Messages announcing the approval by the President of bills of the House are not laid before the House, but are pursuant to Rule XLI entered in the Journal of the proceedings of the day on which they are received.

In regard to printing messages and documents, *see Printing, Public.*

## MESSAGES FROM THE SENATE.

*Messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by Members; but House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as*

*House bills already favorably reported by a committee of the House, and not required to be considered in Committee of the Whole, be disposed of in the same manner on motion directed to be made by such committee.*—Rule XXIV, clause 2.

Messages from the Senate announcing the approval by the President of Senate bills or joint resolutions are not laid before the House, but are pursuant to Rule XLI entered on the Journal.

If the message is a request for the return of a bill, it is usual for the House to grant the request at once, without referring the subject to a committee.

When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.—*Joint Rule II, November 13, 1794.*

If the House be in committee when a messenger attends, the Speaker takes the chair to receive the message, and then quits it to return into committee, without any question or interruption.—*Manual, p. 123.*

The reception of a message from the Senate or from the President is not the transaction of business.—*Record, 1, 49, p. 7243.* It is the practice to suspend the pending business of the House to receive such messages whenever presented.

If messengers commit an error in delivering their message they may be admitted or called in to correct their message.—*Manual, p. 178; Journal, 1, 2, pp. 171, 172.*

#### MILEAGE.

*It shall be the duty of the Sergeant-at-Arms to \* \* \* keep the accounts for the pay and mileage of Members and Delegates, and pay them as provided by law.*—Rule IV, clause 1.

By the seventeenth section of the act of July 28, 1866, it is provided that mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session of Congress, shall be allowed to each Representative and Delegate, the accounts thereof to be certified by the Speaker.—*14 Stat. L., p. 323.*

By the joint resolution of December 28, 1857, it is provided

that on the first day of the first session of each Congress, or as soon thereafter as he may be in attendance and apply, each Representative and Delegate shall receive his mileage as now provided by law; on the first day of any subsequent session he shall receive his mileage as now allowed by law.—*11 Stat. L., p. 367.*

By the joint resolution of March 3, 1859, it is provided, in reference to any Member who may die after the commencement of the Congress to which he shall have been elected, that “in no case shall constructive mileage be computed or paid.”—*11 Stat. L., pp. 442, 443.*

The foregoing laws were revived by the act of January 20, 1874, “repealing the increase of salaries of Members of Congress and other officers.”—*Sess. Laws, 1, 43, p. 4.*

In case a Member shall, without leave, in anticipation of and before the adjournment of Congress, withdraw from his seat and not return, he shall, in addition to the penalty heretofore provided in case of absence, forfeit a sum equal to his mileage for his return home.—*R. S., sec. 41.*

#### MILEAGE, COMMITTEE ON.

(*See Committees.*)

#### MILITARY ACADEMY.

Appropriations for the Military Academy are made in the “Military Academy appropriation bill,” which is one of the general appropriation bills. This bill is reported by the Committee on Military Affairs.”—*See Rule XI, clause 12.*

Three Members of the House shall be designated by the Speaker, at the session next preceding the time of the annual examination of cadets, to attend the said examination; and they shall report thereon within twenty days after the next meeting of Congress.—*R. S., sec. 1327.*

#### MILITARY AFFAIRS, COMMITTEE ON.

(*See Committees.*)

#### MILITIA, COMMITTEE ON THE.

(*See Committees.*)

**MINES AND MINING, COMMITTEE ON.**

*(See Committees.)*

**MINORITY, VIEWS OF THE.**

*All reports of committees, except as provided in clause 57 of Rule XI, together with the views of the minority, shall be delivered to the Clerk for printing and reference to the proper Calendar, under the direction of the Speaker, in accordance with the foregoing clause, and the titles or subjects thereof shall be entered on the Journal and printed in the Record.—Rule XIII, clause 2.*

A minority can not make a report.

When a report is presented by a committee a minority may be permitted to present their *views*, which is usually allowed as a matter of course.

A minority can not originate or report a bill or other proposition, and when the committee in their report do not recommend any legislative proposition it is not in order to place on the Calendar a proposition recommended by a minority.—*See Journals, 1, 24, p. 561; 1, 47, p. 1709; Globes, 2, 27, p. 248; 1, 31, p. 1345; 2, 41, p. 954.*

A substitute or amendment recommended by a minority is not treated as pending until formally moved in the House.

The views of the minority are usually printed with the committee's report, but if not presented until after the report is printed they are published as a supplement to the report and designated Part II.

**MODIFICATION.**

*(See Motions.)*

**MORNING HOUR.**

**ORDER OF BUSINESS.**

*Sixth. The morning hour for the consideration of bills called up by committees.—Rule XXIV, clause 1.*

*The consideration of the unfinished business in which the House may be engaged at an adjournment, except business in the morning hour, shall be resumed as soon as the business on the Speaker's table is finished, and at the same time each day thereafter until disposed of, and the consideration of all other unfinished business*

**ORDER OF BUSINESS—Continued.**

*shall be resumed whenever the class of business to which it belongs shall be in order under the rules.—Rule XXIV, clause 3.*

*After the unfinished business has been disposed of, the Speaker shall call each standing committee in regular order, and then select committees, and each committee when named may call up for consideration any bill reported by it on a previous day and on the House Calendar, and if the Speaker shall not complete the call of the committees before the House passes to other business he shall resume the next call where he left off, giving preference to the last bill under consideration: Provided, That whenever any committee shall have occupied the morning hour on two days it shall not be in order to call up any other bill until the other committees have been called in their turn.—Rule XXIV, clause 4.*

*After one hour shall have been devoted to the consideration of bills called up by committees, it shall be in order, pending consideration or discussion thereof, to entertain a motion to go into Committee of the Whole House on the state of the Union, or, when authorized by a committee, to go into the Committee of the Whole House on the state of the Union to consider a particular bill, to which motion one amendment only, designating another bill, may be made; and if either motion be determined in the negative, it shall not be in order to make either motion again until the disposal of the matter under consideration or discussion.—Rule XXIV, clause 5.*

*This morning hour is the same as that of the Fifty-first Congress, and differs essentially from the morning hour of the Fifty-third Congress. Under these rules the morning hour does not expire in sixty minutes unless the House so decides by taking the action prescribed in section 5 of Rule XXIV.*

**MOTIONS.**

*Every motion made to the House and entertained by the Speaker shall be reduced to writing on the demand of any Member, and shall be entered on the Journal with the name of the Member making it, unless it is withdrawn the same day.—Rule XVI, clause 1.*

*When a motion has been made, the Speaker shall state it, or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the House, but*

*may be withdrawn at any time before a decision or amendment.—Rule XVI, clause 2.*

*When any motion or proposition is made, the question, Will the House now consider it? shall not be put unless demanded by a Member.—Rule XVI, clause 3.*

#### **MOTIONS, PRECEDENCE AND ORDER OF.**

*When a question is under debate no motion shall be received But—*

*To adjourn,*

*To lay on the table,*

*For the previous question,*

*Which motions shall be decided without debate;*

*To postpone to a day certain,*

*To refer,*

*To amend,*

*To postpone indefinitely,*

*Which several motions shall have precedence in the foregoing order, and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.—Rule XVI, clause 3.*

#### **MOTION TO STRIKE OUT.**

*A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert; and no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.—Rule XVI, clause 7.*

*A motion to strike out the enacting words of a bill shall have precedence [in Committee of the Whole] of a motion to amend, and, if carried, shall be considered equivalent to its rejection.—Rule XXIII, clause 7.*

#### **MOTION TO SUSPEND RULES.**

*Pending a motion to suspend the rules, the Speaker may entertain one motion that the House adjourn; but after the result thereon is announced, he shall not entertain any other dilatory motion till the vote is taken on suspension.—Rule XVI, clause 8.*

*Motion to amend, see Rule XIX.*

*Motion for the previous question, see Rule XVII.*

*Motion for reconsideration, see Rule XVIII.*

## MOTION TO SUSPEND RULES—Continued.

Motion to suspend the rules, *see Rule XXVIII.*

If a motion shall appear to the Speaker as incorrect in point of form, or contrary to some standing order, he will state <sup>it is</sup> reason to the House for not putting it in the words given, and <sup>and</sup> suggest an alteration, which the House may adopt without <sup>it</sup> going through the form of taking a question upon the alteration by motion of amendment.—*Cobbett's Parliamentary History of England, vol. 31, p. 202.*

When a bill is considered in the House as in Committee of the Whole it is subject to all parliamentary motions, including the motion for the previous question, even though there has been no debate on the bill under the five-minute rule.—*Journal, 1, 49, p. 1412.*

A motion to suspend the rules pending when the House adjourns may, notwithstanding the adjournment, be modified when the question next comes before the House at any time before a second is ordered, or other action is taken which places the bill within the control of the House.—*Journal, 1, 50, p. 2722.*

Motions to adjourn, to lay on the table, and for the previous question are not amendable nor debatable, and hence are not subject to a demand for the previous question thereon.

A motion to reconsider is in order at any time on the same day or the day after the vote sought to be reconsidered, and thereafter can not be withdrawn without the consent of the House. Its consideration takes precedence of all other questions except—

A conference report;

A motion to adjourn.

(*See Rule XVIII.*)

The motion to resolve into Committee of the Whole to consider general appropriation bills, and the motion to resolve into Committee of the Whole to consider revenue bills are of equal privilege, and such motions being in order, the question on the motion first made should be first put.—*Journal, 2, 52, p. 108.*

## MOTIONS, WITHDRAWAL OF.

Motions are sometimes entered on the Journal, even when they are withdrawn the same day, in the event of other busi-

## MOTIONS, WITHDRAWAL OF—Continued.

ness intervening between the making of the motion and its withdrawal.

It may be withdrawn while the House is dividing on a demand for the previous question (*Journal*, 2, 29, p. 241), and all incidental questions fall with such withdrawal.—*Journal*, 1, 26, p. 57.

A Member may submit more than one motion in connection with a pending proposition, if the latter motion is of higher dignity than the former.—*Journals*, 2, 33, pp. 483, 486; 2, 35, p. 477.

## MOTIONS, MODIFICATION OF.

Motions may be modified before the previous question is ordered and before a decision or amendment, but not afterward.—*Journals*, 1, 28, p. 811; 1, 31, p. 1397.

It has been held that it is not in order to modify a motion to suspend the rules after it has been seconded, as required by clause 3 of Rule XXVIII.

A Member has the right to change or modify a proposition submitted by him at any time before the House has taken such action upon it as places it within the control of the House and beyond the control of the Member.—*Journals*, 1, 50, p. 2722; 1, 51, p. 1044.

## NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Nine managers (of the National Home) shall be elected from time to time, as vacancies occur, by joint resolution of Congress.—*R. S.*, sec. 4826.

The Secretary of the Senate and Clerk of the House shall send to each of its branches all documents which may be printed and bound by order of either House.—*See R. S.*, sec. 4837.

## NAVAL ACADEMY.

The Secretary of the Navy shall, as soon after the fifth of March in each year as possible, notify in writing each Member and Delegate of the House of Representatives of any vacancy that may exist in his district. The nomination of a candidate to fill said vacancy shall be made upon the recommendation of the Member or Delegate, if such recommendation is made by



the first day of July of that year; but if it is not made by that time the Secretary of the Navy shall fill the vacancy by appointment of an actual resident of the district in which the vacancy exists, who shall have been for at least two years immediately preceding the date of his appointment an actual and bona fide resident of the district in which the vacancy exists and of the legal qualification under the law as now provided. The candidate allowed for the District of Columbia and all the candidates appointed at large shall be selected by the President.—*28 Stat. L., pp. 136, 137.*

Three Members of the House shall be designated as visitors by the Speaker, at the session preceding the time of the annual examination of cadets, to attend the said examination.—*20 Stat. L., p. 290. Act of February 14, 1879.*

Appropriations for the support of the Naval Academy are reported in the "Navy appropriation bill," which bill is reported by the Committee on Naval Affairs.

#### NAVAL AFFAIRS, COMMITTEE ON.

(*See Committees.*)

#### NOTICE.

Previously to the Fifty-third Congress the rules provided that no standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor. This provision is now eliminated, and the committee may report and the House may change its rules without the notice heretofore required.

It is customary to give notice in advance of an intention to ask consideration of an important measure on a certain day, but such notice does not affect its status.

#### OATH.

Members shall be bound by oath or affirmation to support the Constitution of the United States.—*Const., 6, 3, 23.*

At the first session of Congress after every general election of Representatives the oath of office shall be administered by any Member of the House of Representatives to the

Speaker; and by the Speaker to all the Members and Delegates present, and to the Clerk, previous to entering on any other business; and to the Members and Delegates who afterward appear, previous to their taking their seats.—*R. S., sec. 30.*

Section 1756 of the Revised Statutes, prescribing what was known as the "test oath," was repealed by the act approved May 13, 1884.

The following is the oath administered to Representatives and Delegates elect, viz: "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."—*R. S., sec. 1757.*

The oath of office taken by any person pursuant to the requirements of section seventeen hundred and fifty-six or of section seventeen hundred and fifty-seven shall be delivered in by him, to be preserved among the files of the House of Congress, Department, or court to which the office in respect to which the oath is made may appertain.—*R. S., sec. 1759.* [The provisions of this section, though applicable to Members and Delegates, is not observed in their cases, nor in cases of elected officers of the House. The oath taken by employees is signed and placed in the files pursuant to the statute.]

The Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall each take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities, and to keep the secrets of the House.—See Rule II. [This in addition to oath prescribed by section 1757, Revised Statutes.]

The Speaker of the House, a chairman of the Committee of the Whole, or a chairman of a select committee, and the chairman of any standing committee shall be empowered to administer oaths or affirmations to witnesses in any case under their examination.—*R. S., sec. 101.*

Any Member of either House of Congress may administer oaths to witnesses in any matter depending in either House of

Congress of which he is a Member, or any committee thereof.—  
*26 Stat. L., p. 60.*

The oath of office can not be administered to a Member-elect, even on presentation of proper certificate, when the House has the question of the prima facie right to such seat under consideration.—*Journal, 1, 48, pp. 587, 588.*

The oath of office has frequently been (by unanimous consent) administered to Members-elect whose legal certificates had not been received at the time of meeting of Congress. (*See Journal, 2, 51, p. 5.*)

When a Member is prevented by sickness from being present in the House to take the oath, the House may authorize it to be taken elsewhere before an officer authorized to administer oaths. (*See Report (No. 3745) of the Judiciary Committee, second session Forty-ninth Congress, in the case of Mr. Aiken. Also Record, 2, 49, 1156. Also in the case of Hon. Samuel J. Randall.*)—*Journal, 1, 51, pp. 89, 103.*

#### OFFICERS OF THE HOUSE.

The officers of the House are the Speaker, Clerk, Sergeant-at-Arms, Doorkeeper, Postmaster, and Chaplain, who are elected by a vote of the House at the commencement of each Congress. With the exception of the Speaker, whose term expires with the Congress, they continue in office until their successors are elected and shall have qualified.

In any action now pending, or which may be brought against any person for or on account of anything done by him while an officer of either House of Congress in the discharge of his official duty in executing any order of such House, the district attorney for the district within which the action is brought, on being thereto requested by the officer sued, shall enter an appearance in behalf of such officer; and all provisions of the eighth section (11) of the act of July twenty-eighth, eighteen hundred and sixty-six, entitled "An act to protect the revenue, and for other purposes," and also all provisions of the sections of former acts therein referred to, so far as the same relate to the removal of suits, the withholding of executions, and the paying of judgments against revenue or other officers of the United States, shall become applicable to such action and

to all proceedings and matters whatsoever connected therewith, and the defense of such action shall thenceforth be conducted under the supervision and direction of the Attorney-General.—18 Stat. L., p. 401.

(See *Speaker, Clerk, Sergeant-at-Arms, etc.*)

#### OFFICIAL REGISTER.

The Official Register contains the names of the various officers and employees of the Government, and the compensation respectively paid each. It is published biennially, the first of July of each odd year. Each Member of Congress is entitled to two copies.

#### ORDER.

*The Speaker shall preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.*—Rule I, clause 2.

The chairman of the Committee of the Whole House shall, in case of disturbance or disorderly conduct in the galleries or lobby, have power to cause the same to be cleared.—Rule XXIII, clause 1.

*If any Member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any Member may, call him to order, in which case he shall immediately sit down, unless permitted, on motion of another Member, to explain, and the House shall, if appealed to, decide on the case without debate; if the decision is in favor of the Member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case require it, he shall be liable to censure or such punishment as the House may deem proper.*—Rule XIV, clause 4.

*The rules of proceeding in the House shall be observed in Committees of the Whole House so far as they may be applicable.*—Rule XXIII, clause 8.

*If a Member is called to order for words spoken in debate, the Member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.*—Rule XIV, clause 5. [The

provisions of this clause are held to be applicable in Committee of the Whole.]

*It shall be the duty of the Sergeant-at-Arms to attend the House and Committee of the Whole during their sittings, to maintain order under the direction of the Speaker or Chairman, and, pending the election of a Speaker or Speaker pro tempore, under the direction of the Clerk.*—Rule IV, clause 1.

When in the course of debate words are taken down as being in violation of the rules, the motion first in order is that the Member who has spoken them be permitted to explain; after which explanation a motion is in order that he be permitted to proceed in the debate.—*Journal*, 1, 51, pp. 623 to 625; 2, 53, p. 132.

A point of order will lie against each paragraph of a preamble or resolution disrespectful to the House, in like manner as if the words were spoken in debate.—*Journal*, 1, 49, p. 2547.

Whenever a point of order is made that any matter or proceeding is in violation of the honor, dignity, or privileges of the House, it is not a question for the Chair, but for the House itself to determine.—*Journal*, 1, 49, p. 2548.

If repeated calls do not produce order, the Speaker may call by his name any Member obstinately persisting in irregularity.—*Manual*, p. 130.

See instance where the Speaker took the chair in Parliament to “suppress disorder” in Committee of the Whole.—*Manual*, p. 123. See, also, instance in House of Representatives, where the Speaker took the chair under similar circumstances, in case of menacing language and conduct of a Member of the House.—*Journal*, 3, 46, p. 114.

#### COMMITTEE OF THE WHOLE.

In cases of great heat, confusion, or disorder, in Committee of the Whole, the Speaker has taken the chair in order to restore order. (See *Manual*, pp. 123, 124; also *Journal*, 3, 46, p. 114.)

A committee can not punish a breach of order in the committee or gallery. It can only rise and report it to the House, who may proceed to punish.—*Manual*, p. 145; *Journal*, 1, 28, p. 846.

A Member, being called to order in Committee of the Whole

for violating the rules as to debate, was called upon by the Chairman to take his seat, but refused to do so. The Member persisting in his refusal to comply with the direction of the Chair, the Chairman announced that the committee would rise that the House might enforce its rules; whereupon the Member took his seat, and the committee continued in session without rising. The question then being put to the committee—Shall the Member be permitted to explain?—the committee refused to permit him to proceed.—*Journal*, 1, 52, p. 4690.

If a Member is called to order for words spoken in debate, the Committee shall rise and the chairman reports to the House the language taken down. The question is in this way properly brought to the notice of the House, and proceedings under the rule may be proceeded with.—*Journal*, 1, 51, pp. 623, 624, 625.

#### IN GENERAL.

*Pending the election of a Speaker or Speaker pro tempore, the Clerk shall call the House to order, preserve order and decorum, and decide all questions of order subject to appeal by any Member.—Rule III, clause 1.*

If any difficulty arises in point of order during the division, the Speaker is to decide peremptorily, subject to the future censure of the House if irregular.—*Manual*, p. 170.

The objection that a proceeding is contrary to the rules is waived if not made at the time of its occurrence.—*Journal*, 1-51, p. 588.

A demand for the regular order of business is equivalent to an objection, and may interrupt a Member asking unanimous consent and prevent him from fully stating his request.—*Journal*, 1, 52, p. 351.

Each House has exclusive control and jurisdiction of the corridors in its own wing of the Capitol, and a proposed resolution directing the officers of the House to remove obstructions from the corridors of the Senate wing is against order.—*Journal*, 2, 50, p. 770.

A question of order arising out of any other question must be decided before that question.—*Manual*, p. 155.

(See *Business*, *Daily Order of*; *Appeal*; *Special Orders*; *Questions of Order*.)

## PACIFIC RAILROADS, COMMITTEE ON THE.

(See Committees.)

## PAIRS.

*Pairs shall be announced by the Clerk, after the completion of the second roll call, from a written list furnished him, and signed by the Member making the statement to the Clerk, which list shall be published in the Record as a part of the proceedings, immediately following the names of those not voting: Provided, pairs shall be announced but once during the same legislative day.—* Rule VIII, clause 2. [Before the adoption of this rule, in the second session Forty-sixth Congress, "pairs" were not recognized in the rules of the House.]

## PAPERS, READING OF.

*When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any Member, it shall be determined without debate by a vote of the House.—*Rule XXXI.

This rule is not construed to apply to the single reading of a paper or proposition upon which the House may be called upon to give a vote, or to the several regular readings of a bill, but to cases where a paper has been once read, or a bill has received its regular reading and another is called for, and also where a Member desires the reading of a paper having relation to the subject before the House.

"Where papers are laid before the House, or referred to a committee, every Member has a right to have them once read at the table before he can be compelled to vote on them" (*Manual*, p. 146), and this applies to the reading of papers on a motion to refer them.—*Journal*, 1, 34, p. 1146. And so, in regard to any proposition submitted for a vote of the House; but it being a right derived from the rules, he may at any time (when a motion to suspend the rules is in order) be deprived of it by a suspension of the rules.—*Journals*, 1, 32, p. 1116; 3, 34, p. 618; 2, 35, p. 572; 2, 38, pp. 397, 398.

The reading of the bill does not come out of the time allowed for debate on such bill.—*Record*, 2, 43, p. 1699.

A bill having been read twice and ordered to be engrossed, **and** having been read (pursuant to the rule, by its title) a **third** time, and the yeas and nays having been ordered on the **Q**uestion of its passage, it is too late to demand the reading **a**t length of the engrossed bill.—*Journal*, 1, 52, p. 225.

It is not in order to demand the reading of the engrossed **B**ill at length upon presentation of a conference report.—*Journal* 1, 44, p. 1423.

The reading of a report relating to a pending proposition **c**an not be called for after the previous question is seconded, **a**s it would be in the nature of debate.—*Journal*, 1, 23, p. 726.

Upon a motion to recommit a report the reading of the **t**estimony upon which it is based can not be demanded as of **r**ight.—*Journal*, 2, 50, p. 571.

The reading of a message from the President may be **d**emanded as a matter of right, but not the reading of documents accompanying the message.—*Journal*, 2, 53, p. 41.

It is ordinarily impracticable for the Speaker to determine from a private inspection whether a paper submitted presents a question of privilege, it being necessary that the paper be read in order that the House may act advisedly in case of an appeal.—*Journal*, 1, 49, pp. 514, 515.

A Member having leave to make a personal explanation proceeds to read or have read a paper, when the point is made that the paper is disrespectful to the House and its reading should, therefore, not be continued. *Held*, That it is the privilege of the Member to read or have read the paper as a part of his remarks, but a point of order may be made against it as the reading proceeds, whereupon the House may determine whether the paper is in order.—*Record*, 1, 49, pp. 8031, 8032.

A Member has not a right to read a paper in his place, if it be objected to, without leave of the House. But this rigor is never exercised but where there is an intentional or gross abuse of the time and patience of the House.—*Manual*, p. 147.

It has been held that a Member, in the course of debate, can not as a matter of right read or have the Clerk read from a printed book.—*Record*, 1, 51, pp. 1019, 1020.

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## PAPERS, IN CONFERENCE.

The request of a conference must always be by the House which is possessed of the papers.—*Manual*, p. 176.

In all cases of conference asked after a vote of disagreement, etc., the conferees of the House asking it are to leave the papers with the conferees of the other.—*Manual*, p. 177.

When there has been a disagreement of a conference committee a further conference may be asked by either House, but the papers must be in the possession of the House asking the conference at the time the motion or resolution to that effect is presented for consideration.—*Journal*, 1, 52, p. 229.

## PAPERS, WITHDRAWAL OF.

No memorial or other paper presented to the House shall be withdrawn from its files without its leave, and if withdrawn therefrom certified copies thereof shall be left in the office of the Clerk; but when an act may pass for the settlement of a claim, the Clerk is authorized to transmit to the officer in charge with the settlement thereof the papers on file in his office relating to such claim, or may loan temporarily to any officer or bureau of the Executive Departments any papers on file in his office relating to any matter pending before such officer or bureau, taking proper receipt therefor.—Rule XXXIX.

Papers previously referred to committees may be withdrawn for the purpose of reference, but not otherwise without consent of the House.

All papers accompanying Senate bills are restored to that body as soon as the bill passes the House; and should the bill fail to pass the House, then at the close of the Congress; and the same course is pursued by the Senate with respect to papers accompanying House bills.

## PAPERS, SAFE-KEEPING OF.

The clerks of the several committees of the House shall, within three days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitions, and other papers referred to the committee, together with all evidence taken by such committee under the order of the House during the

*said Congress and not reported to the House; and in the event of the failure or neglect of any clerk of a committee to comply with this rule the Clerk of the House shall, within three days thereafter, take into his keeping all such papers and testimony.—Rule XXXVIII.*

#### PAPERS IN EXECUTIVE DEPARTMENTS.

Whenever there shall be in any one of the Executive Departments of the Government an accumulation of files of papers, which are not needed or useful in the transaction of the current business of such Department and have no permanent value or historical interest, it shall be the duty of the head of such Department to submit to Congress a report of that fact, accompanied by a concise statement of the condition and character of such papers. And upon the submission of such report, it shall be the duty of the Presiding Officer of the Senate to appoint two Senators, and of the Speaker of the House of Representatives to appoint two Representatives, and the Senators and Representatives so appointed shall constitute a joint committee, to which shall be referred such report, with the accompanying statement of the condition and character of such papers, and such joint committee shall meet and examine such report and statement and the papers therein described, and submit to the Senate and House, respectively, a report of such examination and their recommendation. And if they report that such files of papers, or any part thereof, are not needed or useful in the transaction of the current business of such Department and have no permanent value or historical interest, then it shall be the duty of such head of the Department to sell as waste paper, or otherwise dispose of such files of papers upon the best obtainable terms, after due publication of notice inviting proposals therefor, and receive and pay the proceeds thereof into the Treasury of the United States, and make report thereof to Congress.—25 Stat. L., p. 644.

*(See Files.)*

#### PARAGRAPHS.

*The committee may, by the vote of a majority of the Members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close*

*all debate upon such section or paragraph, or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment to be decided without debate.*—Rule XXIII, clause 6.

Bills raising revenue and general appropriation bills are considered by paragraphs or clauses.

Bills other than general appropriation bills are usually considered by sections, and it has been held in order to close debate on a whole section which contained numerous paragraphs relating to different subjects. (*See Decision respecting river and harbor bill.*)—*Record*, 2, 48, p. 1605.

When a bill is considered in the House as in Committee of the Whole, the previous question may be moved on the several sections or paragraphs as they are reached.

A motion to close debate on a paragraph before it is reached in Committee of the Whole, for amendment, is not in order.—*Journal*, 1, 49, pp. 1736, 1737.

#### PARLIAMENTARY PRACTICE.

*The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the House and Joint Rules of the Senate and House of Representatives.*—Rule XLIV.

Each House may determine the rules of its proceedings.—*Const.*, 1, 5; 2, 5.

In the absence of a resolution adopting the rules of the House formally, the proceedings of the House are governed by the general parliamentary law, of which the practice of the House constitutes a part, in fact the principal part.—*Record*, 1, 50, p. 109.

Under the general parliamentary law, before the adoption of rules by the House, a Member may present a proposition for consideration whenever he is recognized for that purpose. It is for the House to say what it will do with the proposition. It may refer it to a committee, lay it on the table, or refuse to pass upon it in any shape.—*Record*, 1, 50, p. 39.

Before the adoption of a code of rules by the House, a resolution having been offered and objection being made to its con-

ideration, Speaker Carlisle held: "The resolution is before the House for consideration in the absence of any rule at this time providing otherwise, and the only way to dispose of the resolution is to act on it or refer it."—*Record*, 1, 50, p. 41.

Until rules are adopted, this House is governed by the general parliamentary law, such as has been established in the same manner that the common law of England was established, by repeated decisions and the general acquiescence of the people in a system which governs all ordinary assemblies.—*Record*, 1, 51, p. 749.

Representative Reilly, in a carefully prepared argument, delivered in the House February 4, 1892, citing a number of authorities, held that in the clause of the Constitution, viz, "Each House may determine the rules of its proceedings," the intention was only to make the Senate and the House of Representatives each entirely independent of the other in the matter of regulating their respective procedures; that the House of Representatives is as much a continuing body as is the Senate, there never being a moment when the House is not in existence or when it may not be called together; and that it is within the power of the House of Representatives of one Congress to make rules which, until altered or repealed, shall govern its successors.

As early as the Third Congress, however, which began December 2, 1793, it was thought proper, immediately after organization on the first day of the session, to adopt this resolution:

"*Resolved*, That the rules and orders of proceedings of the House of Representatives shall be deemed and taken to be the rules and orders of proceedings to be observed in this House until a revision or alteration of the same shall take place."—*Journal*, 1, 3, p. 5.

A similar resolution was adopted at the beginning of the subsequent Congresses down to the Forty-ninth.

If the "rules of the House of Representatives," previously adopted, continued in force, this resolution was superfluous.

It may thus be inferentially deduced that the rules of the House of a previous Congress were construed to be of temporary operation, and limited to the Congress in which they were

*all debate upon such section or paragraph, or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment to be decided without debate.*—Rule XXIII, clause 6.

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created until their express readoption by the succeeding Congress.

In the Thirty-sixth Congress the following rule was adopted: "These rules shall be the rules of the House of Representatives of the present and succeeding Congresses unless otherwise ordered."

And the same rule was readopted in the code of rules of each succeeding Congress, including the Fifty-second, except the Fifty-first. It was omitted from the rules of the Fifty-third Congress.

The following statement of Speaker Reed, on the 21st of January last, after an extended debate on the question of the right of a member to demand tellers under common parliamentary law, is given as a matter of interest and convenient reference:

The Chair has always been unable to see how it was possible for a House which had passed out of existence to bind by rules and regulations a House which was to come into existence in the future. The recent decisions by the Speaker of the House have been to the effect that the rules of the last House did not become the rules of the present House directly. The Chair is unable to see how they can become the rules of the present House indirectly.

The very fact that they have been made as rules shows clearly the necessity for their special enactment. If they became by any indirectio the rules of the next House, it would not become necessary to reenact them.

This House, then, is governed by the general parliamentary law, such as has been established in the same manner that the common law of England was established, by repeated decisions and the general acquiescence of the people in a system which governs all ordinary assemblies.

The United States is filled with a people unusually devoted to public meetings. These public meetings have to be governed by a system of rules or principles which have been both designated and acted upon by various meetings in great numbers to such an extent that a well-defined parliamentary law has been established.

The suggestion which has been made during this debate that the matter of the control of the House is under the exclusive control of the occupant of the chair is at this very moment receiving a negative, because an appeal is pending in this case, as has been or might be in many others, against the decision of the Chair. All decisions from the Chair by appeals, which are made under proper circumstances and in good faith, are subject to revision by the majority of the House. Consequently, there is not and cannot be any arbitrary control of this body against its will. The Speaker, for the time being and as a matter of convenience arising from the nature of his office, makes a ruling upon the subject which is before the House.



That ruling is always subject to revision by the House itself, and no one can take away that right on the part of the House.

The present occupant of the chair has frequently ordered tellers since the beginning of this session of Congress on demand of the members of the House and is not in any way unwilling to do so; but the question has come up now as a matter of right, and, whatever the wishes of the present occupant of the chair may be, he is obliged to decide in accordance with what he regards as the unmistakable parliamentary law.

It has been stated that tellers are usual in the British Parliament. That is true. It is one of their customs. But the taking of a vote by tellers there is different from the taking of a vote by tellers here. It requires those who occupy a certain attitude toward the question to go out into the lobby and to be counted, while the others are counted in another place, a proceeding entirely unlike that adopted in this country. It is a method of division.

Some fears have been expressed as to what would be the result if the occupant of the chair desired to wrest from the members their control. All parliamentary law must be based upon the supposition that a man who is elected to preside over the deliberations of a body will be an honest official—honestly perform his duty.

It has been suggested here also that the Speaker might, on a question of yeas and nays, miscount, and that if tellers can be ordered, as under the rules of the last House, that miscount might be corrected; but it is necessary, in order to have tellers, to have one-fifth of a quorum, and under the rules of the last House the Speaker himself counts that one-fifth. Ultimately, the House will perceive, the Speaker is the counting officer, and the supposition that he would betray his duties is not a supposition upon which parliamentary law is founded or the rules of the last House. Finding parliamentary law to be what I conceived it to be, that a division may be had whereby the Speaker may count, first, by sound of voice, and, second, by members rising in their places, and that the division as recorded may be corrected under the constitutional right for the yeas and nays, I have been compelled to make the decision that I have made; and the question is, Shall the judgment of the Chair stand as the judgment of the House?—*Record, 1, 51, p. 749.*

#### PATENTS, COMMITTEE ON.

*(See Committees.)*

#### PAY OF MEMBERS.

*(See Compensation.)*

#### PENSIONS, COMMITTEE ON.

*(See Committees.)*



## PERSONAL EXPLANATION.

*Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of Members individually in their representative capacity only; and shall have precedence of all other questions, except motions to adjourn.—Rule IX.*

While a Member is occupying the floor he may yield it to another for explanation of the pending measure, as well as for personal explanation.—*Journal*, 1, 32, p. 524.

When unanimous consent has been given for a personal explanation, the Member can not be interrupted by a single objection.—*Globe*, 1, 38, p. 1762.

When the privilege of making a personal explanation is given, the Member must confine his remarks to the matter upon which he has been criticised and in regard to which he has asked consent to make the explanation.—*Globe*, 2, 38, p. 503; 2, 39, p. 1651.

Personal explanations are often made by consent of the House when no question of privilege is involved.

It is not usual to note in the Journal a personal explanation by a Member when no action or proceeding of the House or question of order is based thereon.—*Journal*, 2, 53, p. 135.

(See *Privilege*, Questions of.)

## PERSONALITY.

Every Member "shall confine himself to the question under debate, avoiding personality."—Rule XIV, clause 1.

(See also *Debate*.)

## PETITIONS.

Members having petitions or memorials or bills of a private nature to present may deliver them to the Clerk, indorsing their names and the reference or disposition to be made thereof; and said petitions and memorials and bills of a private nature, except such as, in the judgment of the Speaker, are of an obscene or insulting character, shall be entered on the Journal with the names of the Members presenting them, and the Clerk shall furnish

*transcript of such entry to the official reporters of debates for publication in the Record.*—Rule XXII, clause 1.

*Any petition or memorial or private bill excluded under this rule shall be returned to the Member from whom it was received; and petitions and private bills which have been inappropriately referred may, by the direction of the committee having possession of the same, be properly referred in the manner originally presented; and an erroneous reference of a petition or private bill under this clause shall not confer jurisdiction upon the committee to consider or report the same.*—Rule XXII, clause 2.

All petitions and bills praying or providing for the satisfaction of private claims against the Government, founded upon the law of Congress, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, shall, unless otherwise ordered by resolution of the House in which they are introduced, be transmitted by the Secretary of the Senate or the Clerk of the House of Representatives, with all the accompanying documents, to the Court of Claims.—*R. S., sec. 1060.*

#### POINTS OF ORDER.

*(See Appeal; Order; Questions of Order.)*

#### POSTMASTER OF THE HOUSE.

*The Postmaster shall superintend the post-office kept in the Capitol for the accommodation of Representatives, Delegates, and Officers of the House, and be held responsible for the prompt and safe delivery of their mail.*—Rule VI.

It is made his duty to make out a full and complete account of all the property belonging to the Government in his possession on the first day of each regular session and at the expiration of his term of service.—*See R. S., sec. 72.*

All mail addressed to Representatives, Delegates, officers, or employees of the House is brought, promptly on arrival, to the post-office of the House for delivery. The Postmaster also, unless otherwise specially directed, delivers, twice a day (6 a. m. and 4 p. m. ), at the lodgings or residences of Members, all matter received up to the hour of beginning the delivery.

The post-office is open every day (Sundays included) throughout the year, whether Congress is in session or not. The Postmaster keeps a book in which is entered the addresses of Members and officers, as the same are changed from time to time, and forwards their mail accordingly.

#### POST-OFFICE AND POST-ROADS, COMMITTEE ON THE.

Under the present rules this committee reports the Post-Office appropriation bill.

(See Committees.)

#### POSTPONE, MOTION TO.

The motion to postpone to a day certain, under the practice, admits of but very limited debate; but on a motion to postpone indefinitely the whole question is open to debate. When the consideration of a subject is postponed to a particular day, upon the arrival of that day it is entitled to be taken up, provided no question of privilege or other question of higher dignity be called up.

The effect of the previous question, if a motion to postpone is pending, is to bring the House to vote upon that motion.

The effect of postponing a bill to a day certain is equivalent to making it a special order for that day; and the business so postponed then comes up as the regular order without motion, but is subject, of course, to the question of consideration.

When the previous question has been ordered on any motion or other question it is not in order, until after the vote is taken and the previous question exhausted, to move to postpone the further consideration of the subject.—*Record*, 1, 49, p. 7393.

It is not in order to move in the House to postpone the consideration of a bill pending in the Committee of the Whole before it has been reported to the House from that committee.—*Journal*, 1, 52, p. 318.

#### PREAMBLE.

When a bill is taken up in committee, or on its second reading, they postpone the preamble till the other parts of the bill are gone through. The reason is that, on consideration of the

of the bill, such alterations may therein be made as may occasion the alteration of the preamble.—*Manual*, p. 140. In the case of a resolution with a preamble, there is no difficulty as to the time at which the preamble is to be considered, in any case in Committee of the Whole; but in the House, in the case of a bill with a preamble, there is some uncertainty as to the particular stage in which the bill must be when it is proper to consider the preamble. It would seem that it might properly be done after the bill has been ordered to be engrossed and read a third time and before the third reading takes place. By this course the bill can be engrossed either with or without the preamble, as the House shall have determined. But where a separate vote on the preamble is not demanded before the bill is read a third time the preamble is considered as adopted.

The preamble is not covered by the previous question ordered in the passage of the resolution, but is itself subject to a separate demand of the previous question.—*Journal*, 1, 34, p. 7.

Unless a separate vote is specially called for, however, the preamble and the title as reported to the House are considered adopted upon the passage of the bill or resolution.

#### PRESIDENT OF THE UNITED STATES.

*See Messages and Veto.)*

He shall from time to time give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment he may adjourn them to such time as he shall think proper.—*Const.*, 2, 3, 17.

Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it with his objections to that House in which it shall have originated. \* \* \* If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the

same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevents its return, in which case it shall not be a law.—*Const.*, 1, 7, 2, 6.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.—*Const.*, 1, 7, 3, 6.

Where a House bill is allowed to become a law by the failure of the President to return it, it is usual for him to notify the House of that fact.—*Journal*, 2, 36, pp. 424, 480; 12 *Stat. L.*, pp. 893, 998; *Journal*, 2, 39, p. 479. [And also where he approves a bill, giving the date of approval.]

When the President is prevented by adjournment from returning a bill with his objections, it was formerly usual for him at the next session to communicate to the House where it originated his reasons for not approving it.—*Journal*, 2, 12, p. 544; 1, 30, p. 82; 2, 35, p. 151; but such has not been the practice for many years.

Article 12, Amendments to the Constitution, requires that the certificate of electoral votes in the respective States for President and Vice-President shall be opened by the President of the Senate in the presence of the Senate and House of Representatives, and the vote shall then be counted.

(*See Electoral Vote.*)

The act of Congress entitled "An act to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President," approved January 19, 1886 (first session Forty-ninth Congress), Statutes, vol. 24, p. 1, provides:

That in case of removal, death, resignation, or inability of both the President and Vice-President of the United States, the Secretary of State, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Treasury, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of War, or if there be none, or in case of his removal, death, resignation, or inability, then the Attorney-General, or if there be none, or in case of his

removal, death, resignation, or inability, then the Postmaster-General, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Navy, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Interior shall act as President until the disability of the President or Vice-President is removed or a President shall be elected: *Provided*, That whenever the powers and duties of the office of President of the United States shall devolve upon any of the persons named herein, if Congress be not then in session, or if it would not meet in accordance with law within twenty days thereafter, it shall be the duty of the person upon whom said powers and duties shall devolve to issue a proclamation convening Congress in extraordinary session, giving twenty days' notice of the time of meeting.

SEC. 2. That the preceding section shall only be held to describe and apply to such officers as shall have been appointed by the advice and consent of the Senate to the offices therein named, and such as are eligible to the office of President under the Constitution, and not under impeachment by the House of Representatives of the United States at the time the powers and duties of the office shall devolve upon them respectively.

SEC. 3. That sections one hundred and forty-six, one hundred and forty-seven, one hundred and forty-eight, one hundred and forty-nine, and one hundred and fifty of the Revised Statutes are hereby repealed.

### PREVIOUS QUESTION.

*There shall be a motion for the previous question, which, being ordered by a majority of members voting, if a quorum be present, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its passage or rejection. It shall be in order, pending the motion for, or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.—Rule XVII, clause 1.*

*A call of the House shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the Speaker that a quorum is not present.—Rule XVII, clause 2.*

*All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be*

*decided, whether on appeal or otherwise, without debate.*—Rule XVII, clause 3.

*When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate.)*—Rule XVI, clause 4.

The original intent and effect of the previous question as it prevailed in Parliament was, by a negative vote, to remove the question from before the House, and was substantially equivalent to the question of consideration as it prevails in the House of Representatives, the principal difference being that the question of consideration can not be demanded after consideration has commenced, while the previous question could be moved at any stage of consideration. If carried in the negative the consideration of the question upon which it was moved, i. e., the main question, at once terminated; but if decided in the affirmative, the consideration proceeded without limitation.

The effect of the previous question as it exists in the House of Representatives is entirely different from that given in Parliament; a negative vote on the motion for the previous question under our practice, leaving the main question *statu quo*, while an affirmative vote terminates debate, precludes further amendment, and brings the House to an immediate vote on the pending question or questions.

In the first Code of Rules adopted by the House in the First Congress, April 7, 1789, the previous question was recognized, it being provided that it should be entertained only when demanded by five Members. On December 23, 1811, the rule was changed so as to require the demand to be seconded by one-fifth of the Members present, and again modified February 24, 1812, by providing that it should only be admitted when demanded by a majority, the practice under the later modification being to simply dispense with the preliminary second by one-fifth.

In the early Congresses the effect of the ordering of the previous question was not uniformly construed, it being sometimes held that its effect was to cut off debate, and at others that debate was not thereby precluded.

Thus, in 1801, the Speaker held that debate was not in order after the previous question was ordered, and, on appeal, that decision was sustained by a vote of 60 yeas, 42 nays.—*Journal*, 2, 6, p. 811. But in 1807 a similar decision by the Speaker was overwhelmingly reversed, 14 Members sustaining the decision and 103 opposing it.—*Journal*, 1, 10, p. 79. In 1811, however, the Speaker again decided that the effect of the previous question was to cut off debate, which latter decision was affirmed by the House, yeas 63, nays 36.—*Journal*, 3, 11, p. 611.

The uncertainty prevailing as to the effect of the previous question was brought to an end by the rule adopted August 5, 1848, which provided that the effect of the previous question "shall be to put an end to all debate and bring the House to a direct vote," etc., and such has since been the practice of the House.

Previously to January, 1840, the effect of ordering the previous question was to preclude a vote on a pending amendment, the vote being taken directly on the main proposition with such amendments, if any, as had already been agreed to before the previous question was demanded. In the several revisions of the rules, January 14, 1840, August 5, 1848, March 16, 1860, and in the present rules its operation has been by degrees extended to embrace pending amendments, or other incidental motions, and include the engrossment, third reading, and passage of a bill.

It is the right of any Member having the floor to ask for the previous question.—*Journal*, 1, 54, p. 488.

#### WHEN APPLICABLE.

It was held in the Forty-eighth and succeeding Congresses that the motion to commit after the previous question is ordered was itself subject to the previous question, the motion to commit being amendable.

By analogy to the practice in the consideration of bills, it is in order to move to recommit a *resolution*, reported in a contested election case, after the previous question has been ordered on the final disposition thereof.—*Journal*, 1, 52, p. 156.

It was held that when the previous question had been ordered on a bill and pending amendment, the motion to commit was not in order until after the disposal of the amendment.—*Journal*, 1, 52, p. 154. It was further held that the motion to



**WHEN APPLICABLE—Continued.**

recommit is not in order until after the engrossment and third reading, where the previous question has been ordered on a bill to its passage.—*Journal*, 1, 54, p. 541.

Pending the motion for or after the previous question is ordered on the passage of a resolution a motion to commit is in order.—*Journal*, 1, 54, p. 190.

Where there has been debate in Committee of the Whole on a proposition, further debate is precluded by the previous question, although there has been no debate in the House.—*Journal*, 1, 52, pp. 173, 174.

A motion to close debate in the House on a particular section of a bill was by a vote of the House decided to be in order.—*Journal*, 2, 48, p. 127.

The previous question applies to a question of privilege equally with any other question.—*Journals*, 2, 27, pp. 573, 576; 1, 28, p. 882.

The previous question is exhausted by an affirmative vote on a motion to refer, and upon a reconsideration of said vote the question stands divested of the previous question.—*Journal*, 1, 34, p. 452.

When a bill is considered in the House as in Committee of the Whole it is subject to all parliamentary motions, including the motion for the previous question, even though there has been no debate on the bill under the five-minute rule.—*Journal*, 1, 49, p. 1412.

Under the practice of the House, if a question of order or a motion to reconsider is pending when the previous question is ordered, it applies only to, and is exhausted with the vote upon, such question.

Where a vote taken under the operation of the previous question is reconsidered, the question is then divested of the previous question, and is open to debate and amendment.—*Journals*, 1, 27, p. 129; 1, 33, p. 127.

It is in order, pending the demand for the previous question on the passage of a bill, to move a reconsideration of the vote on its engrossment.—*Journal*, 2, 27, p. 1175.

It is not in order to move a reconsideration of the vote on ordering the main (now, the previous) question when it is partly executed.—*Journal*, 1, 31, pp. 1101, 1398.

## EFFECT OF.

According to the practice, if, after the previous question is ordered on the passage of a bill, the House adjourns before the vote is taken, even on a day set apart by a rule or order of the House for its consideration, the vote on the passage of the bill is the first business in order on the succeeding day; and when it comes up is not subject to the demand of the question of consideration.—*Journals*, 1, 51, p. 957; 2, 52, pp. 33, 49.

The previous question having been ordered on the third reading of two bills, and the same coming up on a subsequent day as unfinished business, the bill which has been first considered is first in order. The question of consideration may, however, be raised, inasmuch as the House should have the right to determine which bill should be first considered.—*Record*, 1, 48, p. 5543.

When the previous question has been ordered on a proposition, no debate having been had upon it in the form in which it is submitted, the question is debatable for forty minutes under the rule.—*Journals*, 2, 50, p. 384; 1, 51, p. 555. But it has been held that the word "proposition" as embodied in the rule means the "main question," and if the *subject* has had debate the rule does not operate.—*Journal*, 1, 51, pp. 534, 535.

The effect of the previous question being to "bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered," if the execution of the order is prevented by an adjournment the question comes up on the following day immediately after the reading of the Journal, even though that day be set apart under the rules for a different class of business, as, for example, Friday the second or fourth Monday of a month.—*Journals*, 1, 49, p. 259; 2, 50, p. 381.

When the previous question has been ordered on any motion or other question it is not in order, until after the vote is taken and the previous question exhausted, to move to postpone the further consideration of the subject.—*Record*, 1, 49, p. 7393.

A motion for the previous question can not be laid on the table.—*Journal*, 2, 29, p. 252.

Amendments can not be entertained pending the demand for the previous question.—*Journal*, 1, 53, p. 9.

The "second" of the demand for the previous question, as it

was formerly called, and the "order" for the previous question under the present usage, are equivalent terms.

After the previous question has been seconded (ordered) it is not competent for the mover to modify his proposition.—*Journal*, 1, 31, p. 1397. Nor, according to the practice, can he withdraw it after it has been seconded (ordered); but he may withdraw it while the House is dividing on the question of seconding (ordering).—*Journal*, 2, 29, p. 241; 1, 51, pp. 550, 551.

It is not in order, except by unanimous consent, to withdraw an amendment proposed to a bill and pending when the previous question is ordered or becomes operative by virtue of a previous order of the House.—*Journal*, 1, 51, p. 551.

An amendment of the Senate not requiring consideration in Committee of the Whole is, when laid before the House for action, subject to the motion to commit and other parliamentary motions, provided the previous question is not demanded and ordered on the motion to concur.—*Journal*, 2, 52, p. 101.

#### PRINTING, JOINT COMMITTEE ON.

All proposed legislation or orders touching printing shall be referred to the Joint Committee on Printing on the part of the House.—Rule XI, clause 55.

The following-named committees shall have leave to report at any time on the matters herein stated: \* \* \* The Committee on Printing, on all matters referred to them of printing for the use of the House or two Houses.—Rule XI, clause 57.

That there shall be a Joint Committee on Printing, consisting of three Members of the Senate and three Members of the House of Representatives, who shall have the powers herein-after stated.

The Joint Committee on Printing shall have power to adopt such measures as may be deemed necessary to remedy any neglect or delay in the execution of the public printing; and the committee shall have power to order reprinted not exceeding three hundred copies of a public bill pending before either House of Congress, when the supply shall have become exhausted, and the interests of the public service demand immediate action.—28 Stat. L., p. 601.

At any time when there is no joint committee of the two Houses of Congress the powers and duties under the law devolving upon the Joint Committee on Printing shall be exer-

vised and performed by the Committee then in existence of either House.—*28 Stat. L., p. 910.*

The Joint Committee on Printing shall appoint a competent person, who shall edit such portion of the reports and documents accompanying the annual message of the President or made directly to Congress as they may deem suitable for popular distribution, and prepare an alphabetical index thereto.—*28 Stat. L., p. 617.*

For other duties of the Joint Committee on Printing, see act of January 12, 1895, relating to public printing.—*28 Stat. L., p. 601.*

Hereafter the preparation of memorial addresses on deceased Senators and Members of the House of Representatives shall be done under the direction of the Joint Committee on Printing without extra expense therefor.—*28 Stat. L., p. 447.*

If a resolution reported by the Committee on Printing authorizes, in addition to printing for the use of the House or Houses, printing for any other use, the privileged character of the report is lost.

Resolutions reported by the Committee on Printing, authorizing printing for the use of the House, or of the two Houses, are considered in the House when reported.—*Journal, 1, 47. pp. 1728, 1729.*

#### PRINTING, PUBLIC.

*All documents referred to committees or otherwise disposed of shall be printed unless otherwise specially ordered.—Rule XLV, clause 1.*

*Motions to print additional numbers of any bill, report, resolution, or other public document shall be referred to the Committee on Printing; and the report of the committee thereon shall be accompanied by an estimate of the probable cost thereof. Unless ordered by the House, no bill, resolution, or other proposition reported by a committee shall be reprinted unless the same be placed upon the Calendar. Of bills which have passed the Senate, and of House bills as amended by the Senate, when referred in the House, there shall be printed four hundred copies.—Rule XLV, clause 2.*

A resolution to print documents “to be distributed pro rata among the Members of the House” is a proposition to print “for the use of the House,” and a report thereon is consequently privileged.—*Journal, 1, 52, p. 292.*

A bill regulating the printing for the use of the Departments, as well as for the two Houses, is not privileged under the rule.—*Journal*, 1, 53, p. 80.

It is a violation of the rules of the House to print in the Record papers accompanying a message of the President, unless ordered by the House.—*Journal*, 1, 54, p. 133.

The following extracts are taken from the printing act of January 12, 1895 (28 Stat. L., p. 601):

Whenever any document or report shall be ordered printed by Congress, such order to print shall signify the "usual number" of copies for binding and distribution among those entitled to receive them. No greater number shall be printed unless ordered by either House, or as hereinafter provided. When a special number of a document or report is ordered printed, the usual number shall also be printed, unless already ordered.

The usual number of documents and reports shall be one thousand six hundred and eighty-two copies.

There shall be printed of each Senate and House public bill and joint, concurrent, and simple resolution six hundred and twenty-five copies.

There shall be printed of each Senate and House private bill two hundred and fifty copies.

There shall be printed in slip form one thousand eight hundred and ten copies of public and four hundred and sixty of private laws.

There shall be printed of the Journals of the Senate and House of Representatives seven hundred and twenty copies.

The foregoing documents, reports, etc., to be distributed as follows:

	Senate.				House.				General.		
	Documents.	Reports.	Public bills.	Private bills.	Documents.	Reports.	Public bills.	Private bills.	Public laws.	Private laws.	Journals.
Senate document room.....	220	220	225	135	150	150	225	135	550	100	.....
Secretary of Senate.....	10	10	15	15	10	10	15	15	.....	.....	12
House document room .....	360	360	385	100	420	420	385	100	1,000	100	...
Clerk of House.....	10	10	.....	.....	22	20	.....	.....	.....	.....	13
Department of State.....	.....	.....	.....	.....	.....	.....	.....	.....	500	500	.....
Treasury Department .....	.....	.....	.....	.....	.....	.....	.....	.....	60	60	.....

documents bound in full sheep are distributed as fol-

	Senate.				House.				General.	
	Documents.	Reports.	Public bills.	Private bills.	Documents.	Reports.	Public bills.	Private bills.	Public laws.	Private laws.
Library.....	15	15	.....	.....	15	.....	15	.....	.....	10
Special Library ..	52	52	.....	.....	52	52	.....	.....	.....	25
Library.....	15	15	.....	.....	15	16	.....	.....	.....	10
Attendant of documents	500	500	.....	.....	500	500	.....	.....	.....	144
of Claims....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
Document room	.....	.....	.....	.....	.....	.....	.....	.....	.....	116
Department of State.	.....	.....	.....	.....	.....	.....	.....	.....	.....	4

2.—Under Rule XLV, 400 copies additional of Senate bills, and bills with Senate amendments, when referred in the House, are distributed.

The remainder of said documents and reports shall be bound by the Public Printer in unstitched form, and shall be subject to be bound in the number provided by law, upon requisition from the Vice-President, Senators, Representatives, Judges, Secretary of the Senate, and Clerk of the House, in such binding as they shall select, except full morocco or half morocco, and when not called for and delivered within two years after printing shall be delivered in unbound form to the superintendent of documents for distribution.—28 Stat. L., p. 609.

Under the act of January 12, 1895 (28 Stat. L., p. 601) the following documents are authorized to be printed annually, and distributed as follows:

Name of publication	For the Senate	For the House	For the Departments.	Total number published.
Selected Messages and Documents	4,000	8,000	.....	12,000
Future	.....	.....	.....	.....
Administrative .....	1,000	2,000	3,000	6,000
Yearbook.....	110,000	360,000	30,000	500,000
Annals of the Historical Society .....	500	1,000	1,500	3,000
Industry .....	7,000	14,000	9,000	30,000
Register .....	500	1,000	.....	1,500
Book (biennially)* .....	.....	.....	.....	.....
Service .....	1,000	2,000	20,000	23,000

\* See 28 Stat. L., p. 619.

Name of publication.	For the Senate.	For the House.	For the Departments.	Total number published.
Coast Survey				
Part 1	200	600	700	1,500
Part 2	300	■	2,000	2,000
Commerce and Navigation	1,000	2,000		2,000
Commercial Relations	1,000	2,000		2,000
Comptroller of the Currency	1,000	2,000	7,000	10,000
Congressional Directory <sup>1</sup>				
Congressional Record <sup>2</sup>				
Consular Reports	500	1,000		1,500
Directors of the Union Pacific Railroad	500	1,000		1,500
Education, Commissioner of	5,000	10,000	20,000	35,000
Ethnology	1,500	3,000	3,500	8,000
Eulogies	2,000	4,000	( <sup>3</sup> )	6,000
Finance	1,000	2,000		2,000
Fish and Fisheries	2,000	4,000	2,000	8,000
Fish Bulletins	1,000	2,000	2,000	5,000
Foreign Relations	1,000	2,000		2,000
Geological Survey	2,000	4,000	4,000	10,000
Health Officer of District of Columbia	100	200	1,040	1,300
Horse, Diseases of the (special)	25,000	30,000		75,000
House Manual <sup>4</sup>				
Indexes of Public Documents	200	600	1,000	1,800
Index, Monthly			2,000	2,000
Internal Commerce	1,000	2,000		2,000
Interstate Commerce	1,000	2,000	( <sup>5</sup> )	2,000
Labor Commissioner of	5,000	10,000	10,000	25,000
Laws Session	2,000	5,000	500	7,500
Manual Senate and House <sup>6</sup>				
Merchant Vessels List of			5,000	5,000
Message Arranged	4,000	8,000		12,000
Message and Documents	1,000	2,000		3,000
Message without Documents	5,000	10,000		15,000
Metals Precious	1,000	2,000		3,000
Metals Lists of			500	500
Mineral Resources	1,000	2,000		3,000
National Academy of Sciences	500	1,000	500	2,000
National Academy of Sciences. Memoirs of	500	1,000	1,000	2,500
Natural History	100	400	1,000	1,500
Naval Observations	300	700	800	1,800
Naval Register	500	1,000		1,500
Navigator, Commissioner of	1,000	2,000	1,000	4,000
Public Printer			1,000	1,000
Senate Manual <sup>7</sup>				
Smithsonian	1,000	2,000	7,000	10,000
Statistical Abstract	3,000	5,000	3,000	11,000
Weather Bureau	1,000	2,000	2,000	5,000

<sup>1</sup> Number fixed by Committee on Printing.

<sup>2</sup> See 28 Stat. L., pp. 617, 618.

<sup>3</sup> Family, 50, Senators and Members from State, 1,000.

<sup>4</sup> As many as may be ordered by House.

<sup>5</sup> Indefinite.

<sup>6</sup> As many as may be ordered by both Houses.

<sup>7</sup> As many as may be ordered by Senate.

#### CONGRESSIONAL DOCUMENTS, DISTRIBUTION OF.

Whenever in the division among Senators, Representatives, and Delegates of documents printed for the use of Congress there shall be an apportionment to each or either House in round numbers, the Public Printer shall not deliver the full number so accredited at the respective folding rooms, but only the largest multiple of the number constituting the full mem-

CONGRESSIONAL DOCUMENTS, DISTRIBUTION OF—Continued.

bership of each or either House, including the Secretary and Sergeant-at-Arms of the Senate and Clerk and Doorkeeper of the House, which shall be contained in the round numbers thus accredited to each or either House, so that the number delivered shall divide evenly and without remainder among the Members of the House to which they are delivered; and the remainder of all documents thus resulting shall be turned over to the superintendent of documents, to be distributed by him, first, to public and school libraries for the purpose of completing broken sets; second, to public and school libraries that have not been supplied with any portion of such sets; and, lastly, by sale to other persons; said libraries to be named to him by Senators, Representatives, and Delegates in Congress; and in this distribution the superintendent of documents shall see that as far as practicable an equal allowance is made to each Senator, Representative, and Delegate.—28 *Stat. L.*, p. 612.

#### ORDERS OR REQUISITIONS.

All future orders or requisitions for printing or binding shall be governed by the provisions of this act; and all printing, binding, and other work incident to stationery or blank books required for the Senate and House of Representatives, or the committees and officers thereof, except such stationery and blank books as may be purchased by the officers of the Senate and House of Representatives for sale to Members in the stationery rooms of the two Houses, together with the material necessary to such work, shall be furnished by the Public Printer on requisition of the Secretary of the Senate and the Clerk of the House of Representatives respectively: *Provided*, That each Senator and Representative shall be entitled to the binding in half morocco, or material no more expensive, of but one copy of each public document to which he may be entitled, an account of which, with each Senator and Representative, shall be kept by the Secretary and Clerk, respectively: *And provided further*, That in printing preliminary reports and other papers for the use of committees no more than fifty copies shall be ordered unless expressly authorized by the Committee on Printing of each House, respectively.



## ORDERS OR REQUISITIONS—Continued.

No Government publications shall be delivered to officers and employees of Congress except for the use of Members thereof, unless authorized by this act or upon requisition approved by the Joint Committee on Printing.—28 Stat. L., p. 624.

It shall be lawful for the Public Printer to print and deliver, upon the order of any Senator, Representative, or Delegate, extracts from the Congressional Record, the person ordering the same paying the cost thereof; and documents and reports of committees, with the evidence and papers submitted therewith, or any part thereof ordered printed by Congress, may be reprinted by the Public Printer on order of any Member of Congress or Delegate, on prepayment of cost thereof.—28 Stat. L., p. 606.

Extra copies of documents and reports shall be printed promptly when the same shall be ready for publication, and shall be bound in paper or cloth as directed by the Joint Committee on Printing, and shall be of the number following in addition to the usual number.—28 Stat. L., p. 612.

## PRIORITY OF BUSINESS.

*All questions relating to the priority of business shall be decided by a majority without debate.—Rule XXV.*

*When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer, or to amend, or postpone indefinitely; which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.—Rule XVI, clause 4.*

When any one of the foregoing motions is received, another of lower dignity can not be entertained until the former is disposed of.

The previous question having been ordered on the third reading of two bills, and the same coming up on a subsequent day as unfinished business, the bill which has been first considered is first in order. The question of consideration may

however, be raised, inasmuch as the House should have the right to determine which bill should be first considered.—*Record, 1, 48, p. 5543.*

Two bills being made special orders for the same day, neither has precedence over the other, and the measure first called up is first in order.—*Record, 1, 49, p. 4543.*

On Fridays the consideration of private business previously reported from the Committee of the Whole House takes precedence over the motion to resolve into Committee of the Whole House to consider private business.—*Journals, 1, 51, p. 344; 2, 52, p. 33.*

#### PRIVATE BILLS.

*See Bills.*

#### DISTINCTION BETWEEN PUBLIC AND PRIVATE BILLS.

The term private bill shall be construed to mean all bills for the relief of private parties, bills granting pensions, and bills removing political disabilities.—*28 Stat. L., p. 601.*

The line of distinction between public and private bills is so difficult to be defined in many cases that it must rest on the opinion of the Speaker and the details of the bill. It has been the practice in Parliament, and also in Congress, to consider as private such as are “for the interest of individuals, public companies or corporations, a parish, city, or county, or other locality.” To be a private bill, it must not be general in its enactments, but for the particular interest or benefit of a person or persons. A pension bill for the relief of a soldier’s widow is a private bill; but a bill granting pensions to such persons as a class, instead of as individuals, is a public bill. Bills for the incorporation of companies whose operations are confined within the District of Columbia, have been treated as private; but where such companies are authorized to have agencies and transact business outside of the limits of the District, they are treated as public. Bills granting lands for railroads have always been held to be public; while a bill authorizing the extension of a railroad into the District of Columbia, or conferring certain privileges upon such a corporation, has been held to be private.

## DISTINCTION BETWEEN PUBLIC AND PRIVATE BILLS—Continued.

A bill authorizing individuals to construct a canal, to collect tolls thereon, and imposing penalties for certain violations of its provisions, was held to be a public, not a private bill.—*Journal*, 2, 44, p. 460.

Bills frequently contain provisions of a public character, which at the same time are designed to benefit or promote private enterprises. It is difficult in such cases to determine with uniformity in which category these bills should be classed.

Bills authorizing the construction of bridges, and bills granting the right of way to railroads through Indian, military, or other reservations, have frequently been treated as private, while similar bills have at other times been considered to be public bills. These bills partake of both a public and a private character, and it is perhaps an open question whether they should be placed on the public or the private calendar.

Bills for the payment of money to counties or cities are held to be private, while similar bills for the benefit of States or Territories are held to be public.

It is not in order to so amend a private bill as to convert it into a public bill.—*Journal*, 1, 49, p. 571. Nor by extending its provisions to an individual not affected by the bill as originally introduced.—*Journal*, 1, 49, pp. 702, 703; 1, 54, pp. 404, 405, 408, 409, 433.

Instances of postponement of private business.—*Journal*, 2, 45, p. 286; 1, 51, p. 288.

An amendment proposing general provisions of law upon a private bill is not germane and not in order.—*Journal*, 1, 52, p. 312.

A continuing special order for the consideration of a public bill "from day to day until finally acted on" makes such consideration in order on Fridays as on other days.—*Journal*, 2, 48, p. 136.

A given number of days being assigned generally for the consideration of certain public bills is construed as not including Friday, which day is set apart for private business.—*Journal*, 1, 51, p. 315.

## PRIVATE CLAIMS.

(See *Claims*.)

## PRIVATE LAND CLAIMS, COMMITTEE ON.

Many of the matters formerly constituting the subjects of jurisdiction of this committee are now adjudicated by the Court of Private Land Claims established by the act of March 3, 1891.—*26 Stat. L., p. 854.*

(*See Committees.*)

## PRIVILEGE.

The Senators and Representatives \* \* shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and in returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.—*Const., 1, 6; 1, 5.*

This privilege from arrest privileges, of course, against all process the disobedience to which is punishable by an attachment of the person, as a subpoena *ad respondendum* or *testificandum*, or a summons on a jury; and with reason, because a Member has superior duties to perform in another place.—*Manual, p. 110.*

A Member of the House, Thirty-ninth Congress, having been arrested and detained on civil process, and the matter being referred to the Committee on the Judiciary, that committee reported a resolution directing that a warrant issue commanding the Sergeant-at-Arms to deliver the Member from the custody of the officer by whom he was detained. The motion was adopted, and the warrant was afterwards returned executed, and the Member restored to his seat in the House.—*Journal, 2, 39, pp. 103, 105.*

It was held, in a recent decision by Judge Dyer of the United States district court for the eastern district of Wisconsin, that the privilege of a Member extends to exemption from service of process even though not accompanied with an arrest. Also held, that the time allowed for going to and returning from the Capitol must be construed as a reasonable time; and that a slight deviation from the usual route for rest, convenience, or because of sickness, did not terminate or suspend the exemption.—*Miner v. Markham, 28 Fed. Law Reporter, p. 387.*

Each House may determine the rules of its proceedings, punish its Members for disorderly conduct, and, with the concurrence of two-thirds, expel a Member.—*Const.*, 1, 5, 2, 5.

This power is evidently given to enable each House to exercise its constitutional functions of legislation unobstructed. It can not vest in Congress a jurisdiction to try a Member for an offense committed before his election; for such offense a Member, like any other citizen, is amenable to the courts alone.—*Report 815, by Committee on the Judiciary, Forty-fourth Congress.*

It is for the House to determine whether a Member has transgressed its rules and privileges in printing remarks in the Record.—*Journal*, 1, 49, pp. 1835, 1836, 1850.

It was held to be a breach of privilege for a Member to state in debate, and have published in the Record the names of Members voting, and how they voted, on a question upon which the yeas and nays had not been entered on the Journal.—*Journal*, 2, 53, p. 244.

In the maintenance of what are denominated its privileges, and of the privileges of its individual Members, the House, in former Congresses, has imposed various penalties.

In some cases it has directed its Speaker to reprimand the party offending.—*Journals*, 1, 4, p. 389; 1, 15, p. 154; 1, 22, pp. 730, 736.

In others it has committed the party to the custody of the Sergeant-at-Arms.—*Journals*, 1, 4, p. 407; 1, 12, p. 280; 1, 15, p. 119; 2, 31, pp. 277, 281, 284.

In others (where the parties were reporters of the House) it has excluded them from the Hall.—*Journals*, 1, 24, p. 1021; 2, 33, p. 315.

In the Forty-first Congress, Patrick Woods, having been held to answer for an assault upon a Member (outside of the city), was ordered to be punished by imprisonment in the jail of the District of Columbia, as other criminals are, for three months.—*Journal*, 2, 41, pp. 1199, 1200. The session terminated within a week after the order, but the order was executed.

In one case where a witness refused to answer a question propounded to him by a select committee, it was ordered and adjudged by the House that he be committed to the common

jail of the District of Columbia, to be kept in close custody until he should signify his willingness to purge himself of the contempt.—*Journal*, 1, 35, pp. 387 to 389. And after having been so imprisoned for more than three months, he was, by the further order of the House, on the 22d of March, released from jail and delivered over to the marshal of the said District to answer a presentment against him in the United States criminal court therein.—*Journal*. 1. 35 pp. 535 to 539.

(*See Witnesses.*)

#### PRIVILEGE, QUESTIONS OF.

*Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of Members individually in their representative capacity only; and shall have precedence of all other questions, except motions to adjourn.—Rule IX.*

“Questions of privilege” are sometimes confounded with what are known as “privileged questions.” The latter designation applies to motions, legislative propositions, or other questions, which take precedence in different degrees over each other and over the ordinary business of the House; while “questions of privilege,” as defined by the rule, relate to the rights of the Members officially and individually, and of the House collectively.

A question of privilege is thus a *privileged question* of high rank, but a privileged question is not necessarily a “question of privilege.”

A matter of privilege arising out of any question, or from a quarrel between two Members, or any other cause, supersedes the consideration of the original question, and must be first disposed of.—*Manual*, p. 155.

Whenever the Speaker is of the opinion that a question of privilege is involved in a proposition, he must entertain it in preference to any other business.—*Journals*, 1, 29, p. 724; 1, 51, p. 22. [Such opinion being, of course, subject to appeal.] And when a proposition is submitted which relates to the privileges of the House, it is his duty to entertain it, at least to the extent of submitting the question to the House as to

whether or not it presents a question of privilege.—*Journals*, 3, 27, p. 46; 1, 29, p. 223; 1, 30, p. 712; 1, 31, p. 1079; 1, 35, pp. 376, 410; 1, 51, p. 22.

A question of privilege is in order and has precedence, though presented on a day previously set apart by special order for the consideration of other business.—*Journal*, 1, 51, p. 937.

In stating a question of personal privilege a member is allowed greater latitude than in presenting and debating a question of order.—*Journal*, 1, 51, p. 992.

Pending a call of the House no question of privilege can be presented, except such as may arise out of or in connection with the call in which the House is engaged.—*Journal*, 2, 52, p. 105.

Whenever a point of order is made that a matter presented is in violation of the honor, dignity, or privileges of the House, it is not a question for the Chair but for the House itself to determine.—*Record*, 1, 49, p. 8032.

It is ordinarily impracticable for the Speaker to determine from a private inspection whether a paper submitted presents a question of privilege, it being necessary that the paper be read in order that the House may act advisedly in case of an appeal.—*Journal*, 1, 49, pp. 514, 515.

A Member having leave to make a personal explanation proceeds to read or have read a paper, when the point is made that the paper is disrespectful to the House, and its reading should therefore not be continued. *Held*, that it is the privilege of the Member to read or have read the paper as a part of his remarks; but a point of order may be made against it as the reading proceeds, whereupon the House may determine whether the paper is in order.—*Record*, 1, 49, pp. 8031, 8032.

The erroneous reference of a bill to the Calendar of the House presents a privileged question in like manner as the erroneous reference to a committee.—*Journal*, 2, 50, p. 534.

Questions of privilege may be based on communications received by telegraph bearing the usual evidences of authenticity (*e. g.*, a dispatch from the chairman of an investigating committee) in like manner as if the same were received directly or by mail.—*Journal*, 2, 44, p. 133.

The right of a Member-elect to take the oath as a Member

was held by the Clerk to present no higher question of privilege than the election of Speaker to fill a vacancy in that office, on the ground that one question of privilege could not be presented while another was pending.—*Journal*, 2, 44, p. 8. A better ground for the decision would have been that the Speaker is the only officer authorized by law to administer the oath. (*See R. S., sec. 30.*)

Unparliamentary language used by a Member in Committee of the Whole, impeaching the character of another Member, having been reported to the House, it was held that a resolution of censure was in order, it not being essential that there should first be a formal decision by the Speaker or by the House that the remarks so reported were against order.—*Journal*, 1, 51, p. 624.

A question of privilege supersedes a special order and is entitled to precedence.—*Journal*, 1, 51, pp. 936, 937.

The previous question applies upon a question of privilege as well as in other cases.—*Journals*, 2, 27, pp. 573, 576; 1, 28, p. 882.

It was held that a Member is entitled to but one hour for debate on a question of privilege.—*Journal*, 1, 51, p. 1013.

#### EXAMPLES OF.

An enumeration of the various questions of privilege that may arise can not, of course, be given, but the following list embraces most of the important cases which have arisen, viz:

Election of Speaker.—*Journal*, 2, 44, p. 8;

Election of a Clerk.—*Journal*, 1, 31, p. 780;

Right of a Member to be seated.—*Journal*, 2, 44, p. 15;

Election of President.—*Journal*, 2, 44, pp. 555, 556;

Contested-election cases.—*Journals*, 1, 26, pp. 1283, 1300; 1, 29, p. 201; 1, 31, p. 1065; 2, 31, p. 119;

Assertion that the rights or privileges of the House had been invaded or violated.—*Journal*, 2, 48, pp. 316, 317;

Failure or refusal of a witness to appear before committees of the House, or refusal to testify.—*Journals*, 1, 12, p. 277; 2, 33, p. 315; 3, 34, pp. 241, 269; 1, 35, pp. 258, 371, 750, 821; 2, 35, pp. 411, 430, 451; 3, 40, pp. 226, 250, 392;

Offer to bribe a Member.—*Journals*, 1, 4, p. 389; 1, 15, pp. 119, 171;



**EXAMPLES OF—Continued.**

Challenge of a Member by a Senator.—*Journal*, 1, 4, p. 471;

Assault by one Member upon another.—*Journals*, 1, 5, p. 154; 1, 22, pp. 590 to 736; 1, 34, p. 1527;

Divulging the secrets of the House.—*Journal*, 1, 12, p. 276;

Assault upon a Member.—*Journals*, 1, 22, p. 590; 2, 23, p. 485; 2, 41, pp. 1199, 1200;

Menacing language toward a Member out of the House on account of interrogatories propounded by him to a witness before the House.—*Journal*, 1, 22, p. 740;

Disorder in the gallery.—*Journal*, 1, 24, p. 331;

Fracas between two reporters in the presence of the House.—*Journal*, 1, 24, p. 983;

Refusal of a Member to take his seat, in Committee of the Whole, when ordered by the Chairman to do so.—*Journal*, 1, 24, p. 1209; *Record*, 1, 52, p. 5169.

Duel between two Members.—*Journal*, 2, 25, p. 501;

Warm words and a mutual assault between two Members in Committee of the Whole.—*Journal*, 2, 25, p. 1013;

Protest by the President against certain proceedings of the House.—*Journal*, 2, 27, p. 1459;

Proposition to impeach the President.—*Journals*, 3, 27, p. 159; 2, 39, p. 121;

Proposition to impeach civil officers of the United States under article 2, section 4.—*Journals*, 1, 48, p. 495; 2, 48, pp. 27, 28;

Alleged menace of Members by a mob at the seat of Government.—*Journal*, 1, 30, p. 712;

Charge of falsehood upon a Member in a newspaper by the Printer of the House.—*Journal*, 1, 29, p. 223;

Alleged false and scandalous report of proceedings in the House by one of its reporters.—*Journal*, 2, 29, p. 320;

Alleged inaccuracy of report of debates in the Record.—*Journal*, 2, 48, pp. 73, 74.

Alleged mutilation of the Journal by the Speaker.—*Journal*, 1, 31, p. 713;

Publication by the Public Printer of an article alleged to be for the purpose of exciting unlawful violence among Members.—*Journal*, 1, 33, p. 965;

**EXAMPLES OF—Continued.**

Charges affecting the official character of a Member.—*Journal*, 1, 33, p. 1178;

Alteration and interpolation of House bills.—*Journal*, 1, 33, p. 1194;

Assault upon a Senator by a Member of the House.—*Journal*, 1, 34, p. 1023;

Alleged corrupt combinations on the part of certain Members.—*Journal*, 3, 34, pp. 475, 476;

Alleged misconduct on the part of an officer of the House.—*Journal*, 1, 44, pp. 868, 948;

Resolution proposing to return a House bill to the Senate on the ground that certain amendments of the Senate thereto were in the nature of a revenue bill and an infringement of the constitutional right of the House to originate bills raising revenue.—*Journals*, 2, 45, p. 1303; 2, 48, pp. 316, 317.

The question as to the proper reference of a bill under Rule IX.—*Journal*, 2, 46, pp. 855–860.

Resolution involving the question whether or not the constitutional privileges and powers of the House to originate measures to lay and collect duties can be controlled by the treaty-making power under the Constitution.—*Journal*, 2, 49, pp. 349, 350.

Allegation that one of the *present* occupants of the reporters' gallery had approached the Speaker of the House in a previous Congress with a corrupt proposition intended to influence his official action.—*Journal*, 1, 48, p. 444.

Alleged violation of the rule relative to the privilege of the floor.—*Journal*, 1, 49, pp. 781, 1420.

A resolution relating to alleged unparliamentary language used in the House impeaching the honesty of Senators individually and of the Senate as a body.—*Journal*, 1, 51, pp. 1041, 1044.

Alleged false and scandalous publication by a Member, concerning proceedings of the House and conduct of its Members.—*Journal*, 1, 52, p. 345.

Alleged scandalous charge reflecting on the dignity of the House reiterated by a Member in debate, though no action was

**EXAMPLES OF—Continued.**

taken respecting it at the time the remarks were made in the House.—*Journal*, 1, 52, p. 343.

Remarks delivered in the Senate purporting to impugn the motives of a Member acting in his representative capacity.—*Journal*, 1, 52, p. 354.

Charges by a Member of usurpation of power and violation of law by an officer of the United States, accompanied by a resolution for an investigation.—*Journal*, 2, 48, pp. 27, 28.

Alleged unlawful intervention by the Executive, without authority of Congress, in the internal affairs of a friendly Government.—*Journal*, 2, 53, p. 44.

Alleged publication in the Congressional Record of matter not delivered in the House, and all questions affecting the integrity of the official record of debates.—*Journal*, 2, 48, pp. 73, 74.

A resolution relating to the convenience of Members and the comfort of employees of the House is a "privileged question."—*Journal*, 1, 47, p. 1469.

A resolution submitted by a Member declaring a person entitled to a seat as a Member of the House, the same being at the time vacant, presents a question of privilege, notwithstanding that the question of his alleged right is pending before the Committee on Elections.—*Record*, 1, 48, p. 5299.

A motion to discharge a committee from the consideration of a vetoed bill presents a question of high privilege and is in order at any time.—*Record*, 1, 49, p. 7699.

Allegation in a newspaper that Members of the House had engaged in a speculation which was directly affected by a bill then pending which afterwards became a law.—*Journal*, 2, 51, p. 120, 121.

**WHAT ARE NOT.**

A difference of opinion between Members as to certain historical facts, though involving a flat contradiction of each other's statements.—*Journal*, 1, 49, p. 490; *Record*, January 27, 1886. (See also *Journal*, 1, 49, pp. 1835, 1836, and June 10, 1886; *Journal*, 1, 49, p. 1850.)

A resolution declaring unlawful the action of the Speaker in

## WHAT ARE NOT—Continued.

refusing certain demands for the recapitulation of a vote was ruled not to be a question of privilege.—*Journal*, 2, 51, p. 187.

A newspaper paragraph or article making vague and indefinite charges, and making no specific assertion or charge of fraud or corruption against a Member or Members except by implication.—*Journal*, 1, 51, p. 908.

A resolution to omit from the Record certain remarks declared out of order.—*Journal*, 2, 48, p. 356.

A resolution to appoint a committee to cooperate with a committee of the Senate respecting arrangements for inaugural ceremonies, as not having relation to the duties of the House under the Constitution.—*Journal*, 2, 48, p. 716.

A resolution calling on the Committee on Elections to report a contested election case.—*Record*, 1, 48, p. 5299. See, however, *Record*, 1, 49, p. 7403.

An allegation that a member of the Committee on Enrolled Bills, having in custody an enrolled bill, has failed or omitted to present it to the President for approval, no improper object or motive being imputed.—*Journal*, 1, 50, p. 2809.

A resolution directing a committee to investigate certain expenditures by the Government, no misappropriation being alleged.—*Record*, 1, 49, p. 1028.

A resolution for an inquiry as to the authority for inserting in the Congressional Directory as a Member-elect to the next Congress the name of a certain Member.—*Journal*, 2, 52, p. 101.

An allegation in the course of debate that a Member is representing corporations instead of his constituents.—*Journal*, 2, 52, p. 106.

Resolution to appoint a committee to investigate the failure of the Post-Office Department to remove a postmaster who had attempted to bribe a public officer.—*Journal*, 1, 53, p. 109.

A motion that the Sergeant-at-Arms be summoned to report his action in executing a continuing order of arrest.—*Journal*, 2, 53, p. 149.

Resolution authorizing an inquiry respecting alleged acts of unnecessary violence by policemen on the Capitol Grounds.—*Journal*, 2, 53, p. 369.

## WHAT ARE NOT—Continued.

Resolution recommending the recall of a minister of the United States on account of official acts performed under instruction from the State Department.—*Journal*, 2, 53, p. 203.

## PRIVILEGED QUESTIONS.

It is a general rule that the question first moved and seconded shall be first put. But this rule gives way to what may be called privileged questions, and the privileged questions are of different grades among themselves.—*Manual*, pp. 147, 148.

But there are several questions which, being incidental to every one, will take place of every one, privileged or not; to wit, a question of order arising out of any other question must be decided before that question.—*Manual*, p. 154.

## EXAMPLES OF.

The following motions are privileged:

A motion for an adjournment of more than three days with the concurrence of the Senate.—*Journal*, 2, 37, pp. 718–720.

Motions to resolve into Committee of the Whole on the state of the Union to consider revenue or general appropriation bills (*privileged after the reading of the Journal*), pursuant to *Rule XVI*, clause 9.

A motion to close general debate in Committee of the Whole. (*Privileged pending the motion to resolve into Committee of the Whole.*)

The consideration of a report from a committee which has leave to report at any time presents a privileged question. (*See Reports, Privileged.*)

The right to report at any time carries with it the right to consider the measure when reported.—*Journals*, 1, 32, p. 195; 1, 51, p. 904.

If it is proposed to consider when reported the matter thus made privileged, and the point is made and sustained that under clause 3 of *Rule XXIII* it should receive its first consideration in Committee of the Whole, it is in order to immediately move that the House resolve into Committee of the Whole for that purpose.

**EXAMPLES OF—Continued.**

Propositions reported from the Committees on Printing and On Accounts are, according to the practice, immediately considered in the House.

A committee of conference having reported a disagreement, a motion that the House insist, etc., and ask a further conference presents a privileged question.—*Journal*, 1, 52, 229.

Resolutions of inquiry addressed to the heads of Departments, when reported to the House by a committee, are privileged and are entitled to immediate consideration, for the committee being required by Rule XXII, clause 5, to report within one week, has necessarily the right to report at any time during the week.

A resolution of inquiry addressed to a Department must be reported within one week after its introduction and reference to a committee regardless of the time it is actually received by the committee.—*Journal*, 1, 53, p. 107.

A motion to discharge a committee from consideration of a resolution of inquiry not reported within one week is privileged.—*Journals*, 2, 51, p. 231; 1, 52, p. 107. But a resolution of inquiry is not privileged when introduced.—*Journal*, 2, 53, pp. 50, 51.

Proceedings specifically authorized or required by the provisions of the Constitution are held to be matter of high privilege. The following instances are cited:

A proposition to impeach the President of the United States.—*Journals*, 3, 27, p. 159; 2, 39, p. 121.

The impeachment of civil officers.—*Journals*, 1, 48, p. 495; 2, 48, p. 27; 1, 54, pp. 36, 37.

The consideration of a vetoed bill.—*Journals*, 1, 47, p. 1469; 1, 49, p. 2397; *Globe*, 11, p. 905.

A motion to discharge a committee from the consideration of a vetoed bill, being in order at any time.—*Journal*, 1, 49, pp. 2397, 7699.

Counting of the electoral vote.—*Journal*, 2, 44, pp. 555, 556.

## EXAMPLES OF—Continued.

The election of a Speaker.—*Journal*, 2, 44, p. 8.

The election of a Clerk of the House of Representatives.—*Journal*, 1, 31, p. 789.

A bill making apportionment of Representatives among the several States.—*Journal*, 1, 51, p. 59.

Resolution expressing sense of the House relative to the foreign policy of the United States.—*Journal*, 2, 53, p. 44.

## PRACTICE AS TO.

A privileged proposition may be amended in the House by adding matter not privileged, provided it is germane to the original subject.—*Journal*, 2, 48, p. 546.

A privileged proposition once considered remains privileged from day to day until disposed of, subject, of course, to questions of higher privilege.—*Journal*, 1, 49, p. 2360.

(*See Reports, Privileged.*)

## PROTEST.

It is not a matter of right and parliamentary privilege to have received and entered upon the Journal a protest of Members against the action of the House.—*Globe*, 1, 31, pp. 1579, 1588. (*See Journal*, 2, 45, pp. 921–927.)

## PROVISO.

When a bill is under consideration by sections, and an amendment is submitted to a particular section, and a further amendment by way of a proviso is offered and adopted to that amendment, the question is then upon agreeing to the first amendment as amended. If it fail the proviso is not thereby lost, as it attaches to the section and not specifically to an amendment thereto.—*Journal*, 1, 44, p. 1297.

## PUBLIC BUILDINGS AND GROUNDS, COMMITTEE ON.

According to usage this committee selects the restaurant keeper of the House of Representatives.

(*See Committees; Capitol.*)

## PUBLIC DOCUMENTS.

*The Clerk shall \* \* \* preserve for and deliver or mail to each Member and Delegate an extra copy, in good binding, of all documents printed by order of either House of the Congress to which he belonged.—Rule III, clause 3.*

The term “public document” is hereby defined to be all publications printed by order of Congress, or either House thereof.—*Sess. Laws, 1, 43, p. 237.*

Documents printed for the use of the House are deposited in the folding room of the House, whence they are distributed *pro rata* to the Members.

*(See Printing, Public, Folding Room.)*

## PUBLIC LANDS, COMMITTEE ON.

This committee is privileged to report at any time bills forfeiting land grants, preventing speculation in public lands, and bills reserving land for actual settlers. (*See Rule XI, clause 57.*)  
*(See Committees.)*

## PUBLIC PRINTING AND PUBLIC PRINTER.

*(See Printing, Public; Printing, Joint Committee on.)*

## QUESTIONS.

*On the demand of any Member, before the question is put, a question shall be divided if it include propositions so distinct in substance that one being taken away a substantive proposition shall remain.—Rule XVI, clause 6.*

*A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert; and no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.—Rule XVI, clause 7.*

*The Speaker shall put questions in this form, to wit: “As many as are in favor (as the question may be) say Ay;” and after the affirmative voice is expressed, “As many as are opposed say No.”—Rule I, clause 5.*



It has been decided on appeals that a division of the question can not be had on motions to commit with instructions, or on the different branches of instructions (*Journals* 1, 17, p. 507; 1, 31, pp. 1395–1397; 1, 32, p. 611) on a Senate amendment (*Journal*, 2, 32, p. 401), on an amendment reported as a single amendment from a Committee of the Whole (*Journals*, 1, 28, p. 1061; 1, 29, pp. 366, 642; 1, 30, p. 1059; 2, 37, p. 170; 2, 53, pp. 130, 445), or on a series of resolutions proposed to be inserted in lieu of other matter (*Globe*, 1, 31, p. 1301).

(*See Motions; Privilege, Questions of; Privileged Questions.*)

### QUESTIONS OF ORDER.

*The Speaker shall decide all questions of order, subject to an appeal by any Member, on which appeal no Member shall speak more than once, unless by permission of the House.—Rule 1, clause 4.*

*All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.—Rule XVII, clause 3.*

*The Clerk shall note all questions of order, with the decisions thereon, the record of which shall be printed as an appendix to the Journal of each session.—(Rule III, clause 3.)*

Questions of order are addressed to the Chair, and usually are not entertained unless the subject thereof is pending or is proposed to be brought immediately before the House.

Debate on questions of order is not limited by the hour rule.

A point (or question) of order against a proposition can not be passed upon where the question of consideration has been raised against such proposition until the question of consideration has been decided.—*Journal*, 1, 51, pp. 331, 332.

It is entirely within the discretion of the Chair to permit debate on a question of order, the only restriction being that fixed by the rule prohibiting debate on incidental questions pending the demand for the previous question.—*Record*, 1, 43, p. 3020.

If an amendment or other proposition is out of order, and the point be made against it, it is not submitted to the House.

If a provision or section of a bill is decided to be out of

**Order**, the Chair directs the obnoxious matter to be stricken from the bill, no motion therefor being necessary or even permissible.

It is too late to object that a section or an amendment is out of order after its consideration has commenced, either by debate or by acting on any motion respecting the proposition objected to, unless, in case of debate, the right to object has been previously expressly reserved.—*Record*, 1, 48, p. 752.

The objection that a proceeding is contrary to the rules is waived if not made at the time of its occurrence.—*Journal*, 1, 51, p. 588.

Where the House has by resolution instructed the Committee on Appropriations to report a certain provision in an appropriation bill, which, without such instructions, would be out of order, such provision when reported is not subject to a point of order that it changes existing law, or is otherwise in conflict with the rules of the House.—*Record*, 2, 52, p. 1306.

### QUORUM.

*In the absence of a quorum, fifteen Members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent Members, and in all calls of the House the doors shall be closed, the names of the Members shall be called by the Clerk, and the absentees noted; and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured and retained; and the House shall determine upon what condition they shall be discharged. Members who voluntarily appear shall, unless the House otherwise direct, be immediately admitted to the Hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present.—Rule XV, clause 2.*

*On the demand of any Member, or at the suggestion of the Speaker, the names of Members sufficient to make a quorum in the Hall of the House who do not vote shall be noted by the Clerk and recorded in the Journal, and reported to the Speaker with the names of the Members voting and be counted and announced in*

*determining the presence of a quorum to do business.—Rule XV, clause 3.*

*Whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause, unless the House shall adjourn there shall be a call of the House, and the Sergeant-at-Arms shall forthwith proceed to bring in absent Members, and the yeas and nays on the pending question shall at the same time be considered as ordered. The Clerk shall call the roll and each Member as he answers to his name may vote on the pending question, and, after the roll call is completed, each Member arrested shall be brought by the Sergeant-at-Arms before the House, whereupon he shall be noted as present, discharged from arrest, and given an opportunity to vote, and his vote shall be recorded. If those voting on the question and those who are present and decline to vote shall together make a majority of the House, the Speaker shall declare that a quorum is constituted, and the pending question shall be decided as the majority of those voting shall appear. And thereupon further proceedings under the call shall be considered as dispensed with. At any time after the roll call has been completed, the Speaker may entertain a motion to adjourn, if seconded by a majority of those present, to be ascertained by actual count by the Speaker; and if the House adjourns, all proceedings under this section shall be vacated. But this section of the rule shall not apply to the sessions of Friday night until further order of the House.—Rule XV, clause 4.*

#### WHAT CONSTITUTES.

A quorum of the House for the purpose of choosing the President of the United States shall consist of a Member or Members from two-thirds of the States. (*See Constitution, Amendments, art. 12, p. 29.*)

“The House of Representatives shall be composed of Members chosen every second year by the people of the several States” (*Const., 1, 2, 1, 1*), and a “majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent Members in such manner and under such penalties as each House may provide.”—*Constitution, 1, 5, 1, 5.*

In view of the foregoing clauses of the Constitution, it was decided, during the Thirty-seventh Congress, to which several

**WHAT CONSTITUTES—Continued.**

of the States had failed to send Representatives, that *a majority of the members chosen* constituted a quorum to do business.—*Journal, 1, 37, p. 117.*

It has long been a disputed question, in cases of death or resignation of Members, whether the quorum of the House required to do business consisted of a majority of a full House or a majority of the Members actually borne on the roll.

It is still "an open question whether or not it requires a majority of all the Members who might under the law be elected to the House to constitute a quorum, or merely a majority of those who are Members of the House."—*Speaker Carlisle, Record, 1, 49, p. 4338.* Speaker Reed in a carefully considered ruling expressed the opinion that a majority of those chosen and living was intended.—*Journals, 2, 51, p. 370; 1, 54, p. 367.* Speaker Randall intimated a similar opinion in the second session of the Forty-fifth Congress, February 25, 1879. The opinion of Speaker Reed is supported by the prevailing practice in the Senate. (*See Senate Journal, 1, 53, October, 1893.*)

Since the present House, when there are no vacancies, consists of 357 Members, 179 constitute a quorum.

One-fifth of a quorum, *i. e.*, 36, may demand tellers on any vote. (*See Rule I, clause 5.*)

A majority of a standing or select committee constitutes a quorum for business. (*See Manual, p. 139.*)

**IN COMMITTEE OF THE WHOLE.**

*Whenever a Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum, which shall consist of one hundred members, the chairman shall cause the roll to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.—Rule XXIII, clause 2.*

A quorum of a Committee of the Whole consists of one hundred Members. (*See Rule XXIII, clause 2.*)

One-fifth of a quorum may demand tellers on any vote in Committee of the Whole in like manner as in the House.

## IN COMMITTEE OF THE WHOLE—Continued.

It is customary for the Chairman to count the Members or order the vote to be taken by tellers when on a division the point is made that no quorum has voted.

A quorum is not required in Committee of the Whole on a motion to rise.—*Journal*, 1, 44, p. 1153.

The absence of a quorum being disclosed in Committee of the Whole, the roll is called but once.—*Journal*, 2, 53, p. 237.

## IN THE HOUSE.

In the absence of a quorum, a motion to summon a Member to the bar to answer for contempt and violation of rule in refusing to vote was held not in order.—*Journal*, 2, 53, p. 211.

Where less than a quorum is present, a motion to take a recess is not in order; and no motion is in order except for a call or to adjourn.—*Journals*, 1, 29, p. 356; 2, 29, p. 343; 2, 32, p. 388; *Globe*, 2, 42, p. 3857.

A quorum is not required on a motion to order a call or dispense with further proceedings under a call.—*Record*, 2, 43, p. 1731.

A resolution or motion revoking leaves of absence does not require a quorum, being a proceeding to compel the attendance of absent Members.—*Journal*, 1, 48, p. 621.

In the Forty-eighth Congress it was held to be in order to move a recess in the absence of a quorum, a quorum being of course required to vote on such motion.—*Record*, 1, 48, p. 1217. It was subsequently held that a recess can not be taken, even by unanimous consent, when the record discloses the absence of a quorum.—*Journal*, 2, 52, p. 105.

That no quorum was present at the time the recess is taken does not affect the business taken up after the recess.—*Journal*, 1, 5, pp. 915, 916.

Where the rule (or order of the House) fixes an hour for taking a recess, it is not necessary that a quorum should be present at the hour so fixed in order that the Speaker may declare the House in recess.—*Journal*, 1, 51, p. 934.

When, from counting the House on a division, it appears that there is not a quorum, the matter continues exactly in the state in which it was before the division.—*Manual*, p. 170.

A quorum is not required to vote on the question of ordering

**IN THE HOUSE—Continued.**

the yeas and nays.—*Journals*, 1, 45, p. 290; 1, 51, p. 984. Nor on the question of reconsidering the vote by which the yeas and nays have been ordered or refused.—*Record*, 1, 50, p. 7546.

Ordering the yeas and nays is a proceeding by which the method of taking a vote is determined, is not the transaction of business, and does not require a quorum.—*Journals*, 2, 50, p. 204; 1, 51, p. 903.

A smaller number than a quorum may adjourn from day to day.

A quorum is never required to decide any question incidental to a call of the House.—*Journals*, 1, 51, p. 991; 2, 53, p. 177.

The point that no quorum is present or has voted can only be raised and sustained on a question on which a quorum is required.—*Journal*, 1, 51, p. 934.

A quorum is not required to order a call of the House, or dispense with further proceedings under a call.—*Record*, 2, 43, p. 1731; *Journal*, 1, 51, p. 1028.

Upon a vote by tellers, those not voting may be noted as forming part of the quorum present to do business.—*Journal*, 1, 51, p. 243.

A quorum was held to be required to discharge the Sergeant-at-Arms from further proceeding on a warrant of arrest continued in force after the call of the House had terminated.—*Journal*, 2, 53, pp. 318, 319.

During a call of the House, a quorum is not required to excuse a Member from attendance nor to determine the question of reconsidering the vote by which a Member has been excused.—*Journal*, 2, 52, p. 77. But a quorum is required to grant a leave of absence.—*Journal*, 1, 51, p. 1031; 2, 53, pp. 327, 328. (*See Call of House; Absent Members.*)

**HOW ASCERTAINED.**

The presence of a quorum is presumed unless the contrary is disclosed by some proceeding of the House appearing in the Journal.—*Journal*, 2, 52, p. 33.

When a vote taken by yeas and nays shows that no quorum has voted, it is the duty of the Chair, under the Constitution (1, 5, 1, 5), to take notice of that fact.—*Journal*, 1, 48, pp. 1385, 1386.

## HOW ASCERTAINED—Continued.

When the point of no quorum is made on a vote by division, by a rising vote, it is the right of a Member to demand either tellers or the yeas and nays, and such demand is not precluded by the count of the House by the Chair.—*Journal*, 1, 51, p. 934.

Where the vote as announced by tellers shows no quorum voting and a motion to adjourn or for a call of the House is interjected and voted down, it is customary to take the vote by tellers on the original question *de novo*, instead of continuing the count of additional votes.—*Journal*, 2, 52, p. 117.

Where the interruption, however, is very brief, and no confusion would thereby result, it would seem properly in the discretion of the Chair to permit the count to be continued where it was left off, instead of ordering an entire recount.

It appearing from the *Journal* that an order was made when, as appeared from the *Journal*, less than a quorum was present, such order should be treated as a nullity.—*Journal*, 3, 42, p. 447.

It is in order to move a call of the House, notwithstanding the fact that a quorum is actually present.—*Journal*, 1, 52, p. 206.

If the failure of a quorum has been disclosed by a roll call, a quorum must appear of record before the House can proceed to business. (*See Globe*, 2, 30, p. 624.)

## THE QUORUM PRESENT.

The doctrine that a voting quorum is not necessary to the transaction of business, provided a quorum be present, has now become firmly established in the parliamentary practice of the House of Representatives. Previous to the Fifty-first Congress the yea-and-nay vote on a roll call had been held to be the only test of the presence of a quorum.—*Record*, 2, 43, p. 1734; *Journals*, 1, 44, p. 1078; 1, 48, pp. 1385, 1386. And if less than a quorum answered when their names were called the transaction of business had to be suspended, although enough Members who had been silent during the roll call might be visibly present and actively participating in the debate. At the beginning of the Fifty-first Congress this theory of the voting quorum was threatening to place the business of the House at the discretion of the minority, when, on January 29,



## THE QUORUM PRESENT—Continued.

1890, a roll call having failed to disclose the presence of a quorum, Speaker Reed noted the names of a sufficient number of those present and not voting to constitute, with those voting, a quorum.—*Journal*, 1, 51, pp. 173–175; *Record*, 1, 51, pp. 949–951. The Speaker's ruling in full upon this important question is as follows:

The Clerk announces the Members voting in the affirmative to be 161 and 2 in the negative. The Chair thereupon, having seen other Members present, having heard their names called in their presence, directed the roll to be repeated, and, since gentlemen did not answer when thus called, the Chair directed a record of their names to be made showing the fact of their presence as bearing upon the question which has been raised, namely, whether there is a quorum of this House present to do business, according to the Constitution of the United States; and accordingly that question is now before the House, and the Chair purposes to give a statement accompanied by a ruling, from which an appeal can be taken if any gentleman is dissatisfied therewith.

There has been for some considerable time a question of this nature raised in very many parliamentary assemblies. There has been a great deal of doubt, especially in this body, on the subject, and the present occupant of the chair well recollects a proposition or suggestion made ten years ago, by a Member from Virginia, Mr. John Randolph Tucker, an able constitutional lawyer as well as an able Member of this House. That matter was somewhat discussed and a proposition was made with regard to putting it into the rules. The general opinion which seemed to prevail at that time was that it was inexpedient so to do; and some Members had grave doubts whether it was proper to make such an amendment to the rules as would count, as a part of the quorum, the Members present and not voting as well as those present and voting. The evils which have resulted from the other course were not then as apparent as now, and no such careful study had been given to the subject as has been given to it since.

That discussion took place in the year 1880. Since then there have been various arguments and various decisions by eminent gentlemen upon the subject, and these decisions have very much cleared up the question, and it is much more apparent what the rule is. One of the first places in which the question was raised was in the senate of the State of New York. The present governor of New York was then the presiding officer and upon him was devolved a duty similar to that which has been devolved upon me to-day. He met that duty in precisely the same manner. The question there raised was as to the necessity, under their constitution, of the actual participation by voting of the three-fifths constituting a quorum for the passage of certain bills, and he held that that constitutional provision as



## THE QUORUM PRESENT—Continued.

to a quorum was entirely satisfied by the presence of the members even if they did not vote, and accordingly he directed the recording officer of the senate to put down certain names as a part of the record of the transaction; that is, to put down the names of the members of the senate who were present and refused to vote in precisely the manner in which the occupant of this chair has directed the same thing to be done. That decision must be regarded as in no sense partisan, at least as the Chair cites it.

There has also been a decision in the State of Tennessee, where the provisions of the law require a quorum to consist of two-thirds. In the legislature of 1885 the house had 99 members, of which two-thirds was 66. A registration bill was pending which was objected to by the Republican members of the house. Upon the third reading the Republicans refused to vote, whereupon the speaker, a member of the other party, directed the clerk to count as present those there but not voting, and, a quorum being present, declared the bill passed upon this reading.

These two decisions made, the first in 1883 and the other in the year 1885, seem to the present occupant of the chair to cover the ground; but there is an entirely familiar process which every old Member will recognize, which, in the opinion of the Chair, is incontestable evidence of the recognition at all times of the right to regard Members present as constituting a part of a quorum. It has been almost an every-day occurrence at certain stages of the session for votes to be announced by the Chair containing obviously and mathematically no quorum; yet if the point was not made of no quorum the bill has always been declared to be passed. That can only be upon a very distinct basis, and that is, that everybody present silently agreed to the fact that there was a quorum present, while the figures demonstrated no quorum voting. There is no ground by which under any possibility such a bill could be passed constitutionally, unless the presence of a quorum is inferred. It is inferred from the fact that no one raised the question, and the presence was deemed enough.

All methods of determining a vote are of equal value. The count by the Speaker or Chairman, and the count by tellers, or a count by the yeas and nays, are all of them of equal validity. The House has a right, upon the call of one-fifth of the Members, to have a yeas-and-nays vote, and thereupon that the question is decided; but the decision in each of the other cases is of precisely the same force and effect.

Again, it has always been the practice in parliamentary bodies of this character, and especially in the Parliament of Great Britain, for the Speaker to determine the question whether there is or is not a quorum present by count. It is a question simply of the actual presence of a quorum, and the determination of that is intrusted to the presiding officer in almost all instances. So that when a question is raised whether there is a quorum or not, without special arrangement for determining it, it would be determined on a count by the presiding officer. Again, there is a provision in the Constitution which declares that the House may establish rules for compelling the attendance of Members. If Members can be pres-

**THE QUORUM PRESENT—Continued.**

nt and refuse to exercise their functions and can not be counted as a quorum, that provision would seem to be entirely nugatory. Inasmuch as the constitution provides for their attendance only, that attendance is enough. If more was needed the Constitution would have provided for more.

The Chair feels very much disposed to cause to be read the action of the present governor of the State of New York, then lieutenant-governor and presiding officer of the senate.

The action of the senate was this: The president put the question whether the senate would agree to the final passage of said bill, and 18 senators voted in favor thereof, and Messrs. Allen, Bowen, Evans, Holmes, F. Lansing, Lord, Lynde, Pitts, Russell, and Thomas, being present, refused to vote.

Then come the votes. For the affirmative, for the negative. Also the following, pursuant to direction of the president:

“Mr. Allen: Present and not voting.”

And so on down the list. The result having been announced, the president thereupon ruled as follows:

“The action of the senate just taken requires a ruling from the chair, and an explanation of that ruling is eminently proper at this time.

“The parliamentary question presented is, whether this bill has been duly passed. It has received the votes of a majority of all the senators elected to the senate. It has received all of the affirmative votes which the constitution requires to pass such a bill. This bill, so far as the affirmative vote necessary to its passage is concerned, is controlled by section 5 of article 3 of the constitution, which only requires a majority of all of the senators elected.

“It is, however, a bill by the provisions of which, it is claimed, a debt or charge is made against the State, and is, therefore, subject to the provisions of section 21 of the same article of the constitution. That section is substantially as follows: ‘On the final passage in either house of the legislature of any act which \* \* \* creates a debt or charge \* \* \* or makes any appropriation \* \* \* of public money, the question shall be taken by ayes and nays, which shall be duly entered on the journals, and three-fifths of all the members elected to either house, shall, in all such cases, be necessary to constitute a quorum therein.’

“This section is peculiarly and carefully worded. It does not provide that three-fifths of all the senators elected shall vote for the bill, or that such a number shall vote at all upon the bill, but simply that such a number must be present in order ‘to constitute a quorum’ when such a bill is upon its final passage. If it had been intended that more than a majority should vote for such a bill to secure its passage, or that there should be three-fifths voting evidenced by the yeas and nays, it could have been easily so expressed. The plain and only object of this section of the constitution was to provide that there should not only be a majority vote in favor of bills of such importance, which create debts or appropriate

## THE QUORUM PRESENT—Continued.

fact alone and without reference to anything else, has no substantial foundation on which to stand.

“The *jurat* or certificate which the presiding officer of each house has always signed to such bills from time immemorial is that the bill received a majority of the votes of all the senators elected, ‘three-fifths being present;’ not three-fifths voting. The question as to how many voted in addition to a majority is wholly immaterial so long as three-fifths are present. Their presence is not to be determined solely and only by the yeas and nays.

“I have accordingly directed the clerk as he called the names of the senators who are present, but who refuse to vote, to mark opposite their names on the tally list kept by him, and which is to be entered in the journal, the words ‘present, but refused to vote,’ and he has done so in each case. Therefore, in accordance with the record so made, which shows that there are present over three-fifths of all the senators elected, and which agrees with my own observation, I do hereby declare that this bill, having received the votes of the majority of the senators elected, three-fifths being present, has been duly and legally passed.

“*Ordered*, That the clerk return said bill to the assembly with the message that the senate have concurred in the passage of the same with amendments.”

This ruling was made when the House was proceeding under general parliamentary law. When the rules were afterwards adopted the principle of this ruling was embodied in section 3 of Rule XV. Later it was declared constitutional by the United States Supreme Court, in the case of *United States v. Ballin* (144 U. S. Sup. Ct. Rep., p. 1).

In the rules of the Fifty-second Congress, section 3 of Rule XV was omitted, and the old theory of the voting quorum was reinstated. During the second session of the Fifty-third Congress (April 17, 1894), however, it was found necessary to return to the principle established in the Fifty-first Congress. There was a slight change in the practice, Members present and not voting being determined by tellers in the Fifty-third Congress, while in the Fifty-first they were noted by the clerk.

It was found in practice that under certain conditions it was possible for Members to break a quorum by leaving the Hall all of the House. The resort to a call of the House and the arrest of absentees was ineffectual, because, while the vote was being taken on the question of dispensing with the proceedings under the call, the quorum would again vanish.

**THE QUORUM PRESENT—Continued.**

When the Fifty-fourth Congress assembled with the dominant party in so large a majority that the obstruction of business was unlikely, it was felt to be a favorable time for the adoption of a rule making the present quorum effectual under all circumstances. In the Forty-sixth Congress the Tucker amendment had been proposed, its object being to enable the vote or presence of an arrested Member to be ascertained at the time when the Member should be brought into the House.—*Record*, 2, 46, p. 575. In the Fifty-second Congress Mr. Reed brought forward the proposition again and advocated it.—*Record*, 1, 52, p. 767. But it was not adopted until the amendments of the rules in the Fifty-fourth Congress, when section 4 of Rule XV was adopted.—*Record*, 1, 54, p. 1031.

The effect of this new section is to do away with the old calls of the House at all sessions except Friday nights and excepting those rare occasions when the absence of a quorum is developed by other means than by a vote.

**READING OF PAPERS.**

*(See Papers.)*

**RECALL OF A BILL.**

If by mistake or inadvertence a bill has been improperly or prematurely sent to the other House or to the President, or if there has been an error in its engrossment or enrollment, or if after its transmission the vote by which it passed has been reconsidered, it is usual to recall—*i. e.*, request the return of—the bill.

The following is the form used in the House to recall from the Senate:

*Resolved*, That the Senate be requested to return to the House the (*bill or resolution*) to correct an error \* \* \* (*or other cause*).

Sometimes a Senate bill is lost or mislaid in the House, in which case the following form of resolution is used:

*Resolved*, That the Senate be requested to furnish to the House of Representatives a duplicate copy of the (*number of the bill or resolution*); the same having been lost or misplaced.

The following is the form used in the House to recall from the President:

*Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the enrolled bill (H. R. —) (or joint resolution) (give the title) for the purpose of correcting ———.*

A resolution requesting the return of a bill from the President has not usually been treated as privileged.—*Records, 1, 50, p. 7996; 1, 51, p. 6965; 1, 54, p. 1853.*

A resolution requesting the return of a bill from the Senate has been treated as privileged when the object is to correct an error; but not where the bill was passed by inadvertence.—*Record, 3, 53, p. 2092.*

A resolution requesting of the Senate a duplicate copy of an engrossed bill, to replace a lost copy, is treated as privileged.—*Record, 1, 54, p. 2496.*

#### RECEDE, MOTION TO.

The motion to recede takes precedence of the motion to insist and of the motion to adhere.—*See Manual, p. 164.* And even though the previous question may be pending on either of the last motions the motion to recede may be entertained, because if it prevails the disagreement between the Houses is removed and the bill is passed. A vote to recede from a disagreement to an amendment is not equivalent to an agreement (*Journal, 1, 20, pp. 695, 697*), but in making a motion that the House recede from its disagreement to an amendment there should be coupled with it *and that the House agree to the same*; or the House may recede and *agree to the amendment with an amendment thereto*, the latter motion taking precedence of the motion to *recede and agree*.

In the case of disagreeing votes between the Houses, the House may either *recede, insist and ask a conference*, or *adhere*, and motions for such purposes take precedence in that order.—*See Manual, pp. 164, 174; Journals, 1, 23, p. 229; 1, 34, pp. 1516, 1518.*

Even though the previous question may be pending on a motion to *insist* or to *adhere*, a motion to *recede*, which removes the disagreement between the Houses and passes the bill, may be made, but is not debatable.

(*See Amendments between the two Houses; Conference Committees.*)

## RECESS.

Under the present rules the motion for a recess is omitted from the list of motions established by Rule XVI, clause 4; but it is still a legitimate parliamentary motion.

It is not in order for less than a quorum to take a recess (*Journals*, 1, 29, p. 356; 3, 32, p. 388) nor pending a call of the House can a recess be taken except by unanimous consent.—*Journals* 1, 26, p. 843; 1, 48, p. 618.

In the Forty-eighth Congress it was held to be in order to move a recess in the absence of a quorum on the preceding vote, a quorum being, of course, required to vote on such motion.—*Record*, 1, 48, p. 1217. It was subsequently held that a recess can not be taken, even by unanimous consent, where the record discloses the absence of a quorum.—*Journal*, 2, 52, p. 105.

When the hour previously fixed for taking a recess arrives, it is the duty of the Chair (unless the yeas and nays are being taken) to announce the House to be in recess until the hour previously fixed.—*Journal*, 1, 48, pp. 1117, 1118; 1, 51, p. 934.

Where the rule (or order of the House) fixes an hour for taking a recess, it is not necessary that a quorum should be present at the hour so fixed.—*Journal*, 1, 51, pp. 915, 916.

It has frequently been held not in order to take a recess until an hour subsequent to the hour of the next daily meeting of the House, however short the period might be.

Friday having been substituted, by a special order of the House, as a day for motions to suspend the rules, in lieu of the preceding Monday, it was decided by the House that the rule for a recess (on Fridays) at 5 p. m. for an evening session was thereby vacated for the day.—*Journal*, 1, 52, p. 277.

The House having at an evening session, which was set apart for the consideration of a certain class of business, taken a recess until the following day, it was held that the session after the recess was not a continuation of the evening session, and was not to be devoted to the business for which the evening session was set apart.—*Journal*, 2, 48, p. 557.

A motion to reconsider the vote by which the House refuses to take a recess is not in order.—*Journal*, 2, 52, p. 59. Upon appeal this decision was sustained—yeas 208, nays 6.

Pending a motion for a recess and before the question is submitted to the House, the hour to which the recess is proposed to be taken arrives. *Held*, That the vote must still be taken on the motion.—*Journal*, 2, 50, p. 195.

On days when suspension of the rules is in order a motion to suspend the rules may be entertained pending a motion for a recess.—*Journal*, 2, 42, p. 1099.

A motion for a recess is amendable according to the practice of the House.

A resolution for a recess of more than three days by adjournment is held to be privileged.—*Journal*, 2, 37, pp. 718, 720.

(See *Motions; Privileged Questions.*)

### RECOGNITION.

When any Member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality.—Rule XIV, clause 1.

When two or more Members rise at once, the Speaker shall name the Member who is first to speak.—Rule XIV, clause 2.

No Member shall speak more than once to the same question without leave of the House, unless he be the mover, proposer, or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every Member choosing to speak shall have spoken.—Rule XIV, clause 6.

The Member reporting the measure under consideration from a committee may open and close, where general debate has been had thereon; and if it shall extend beyond one day, he shall be entitled to one hour to close, notwithstanding he may have used an hour in opening.—Rule XIV, clause 3.

If two or more rise to speak nearly together, the Speaker determines who was first up and calls him by name; whereupon he proceeds, unless he voluntarily sits down and gives way to the other. But sometimes the House does not acquiesce in the Speaker's decision, in which case the question is put, "Which Member was first up?"—*Manual*, p. 129. This is the practice in Parliament; but in the House of Representa-



tives there is no appeal from the decision of the Speaker in such case.

It is a custom of long standing, however, in the Speaker to recognize first the Member moving or proposing a proposition.

It is also the usage to alternate recognition between the supporters and opponents of a measure.

The following extract from a report made to the Hall of April 1879 first session, Forty-first Congress, from the Committee on Rules by Mr. Gardner and adopted by the House on the subject of recognition in the House and Committee of the Whole is given as an authoritative expression of the judgment of the House in this regard:

With the exception of the long course of the 22d which was adopted in 1805, these rules have remained unchanged for many years. In the history of the case discussed there is lodged with the presiding officer and in fact and arbitrary order of recognition can be easily introduced in a sudden; and the committee are of opinion that these rules should not be changed.

The practice of making a list of those who desire to speak or move before the House or Committee of the Whole is a device not to enable the presiding officer to know and remember the wishes of members. As to the order of recognition he should not be bound to follow the list but should be free to exercise a wise and just discretion in the interest of full and fair debate.

In general terms it may be said that, except in cases where the rules expressly fix the rank and order of motions, thus requiring the Chair to entertain a superior in preference to an inferior motion, the uniform practice of the House has been to lodge with the Speaker exclusively the question of recognition, from which there is no appeal.

This has become the established practice of the House. (See ruling of Speaker Reed on this subject. *Journal*, 1, 51, p. 177.)

Members of the committee reporting a measure under consideration are, according to the practice, given precedence in debate; but when a member of such committee has occupied the floor for one hour in favor of the measure and no other member of that committee seeks the floor in opposition, it is the practice to recognize a Member not on the committee to oppose the measure, although other Members of the committee seek the floor to support it.—*Journal*, 1, 52, p. 152.

A Member having the floor has the right to demand the



previous question or make other appropriate motion relative to the pending proposition, although before such motion is made another Member seeks the floor to submit a motion of higher privilege, such as a motion to adjourn or for a recess.—*Journal*, 1, 52, pp. 288, 290. After the inferior motion is submitted, however, the motion of higher privilege is immediately in order and must be first voted on.

It is the right of any Member having the floor to ask for the previous question.—*Journal*, 1, 54, p. 488.

A demand for the regular order of business is equivalent to an objection and may interrupt a Member asking unanimous consent and prevent him from fully stating his request.—*Journal*, 1, 52, p. 351.

If, during the debate, an incidental or subsidiary question is decided by the House against the mover of the main proposition, the right, by the usage, to recognition shifts to the opponents, and if they in turn are in like manner defeated, the control again shifts to the supporters of the measure.

The Member in charge of a measure does not lose control of it by the moving of a preferential motion by another Member.—*Journal*, 1, 51, p. 457.

It is customary, under the recent practice of the House, to recognize, in preference to other Members, the Member having charge of a bill under consideration, for the purpose of offering, successively, such amendments as he may submit, with a view of perfecting the bill.—*Record*, 2, 53, pp. 831, 887.

(See *Speaker*.)

#### RECOMMIT, MOTION TO.

##### GENERALLY.

Committal to the committee which has reported a measure or recommitment is the action usually taken when numerous amendments have been adopted, or when it is found necessary to rearrange the text of a bill.

The motion to commit or recommit is of the same rank with the motion to amend, and, in the House, is in order at any time that an amendment would be in order, except as otherwise provided in clause 1 of Rule XVII.

A motion to recommit is amendable, as other motions, unless amendment be precluded by ordering the previous question on such motion.—*Journal*, 1, 49, p. 379; *Record*, January 15, 1886.

## GENERALLY—Continued.

An appropriation bill having been considered in Committee of the Whole and recommitted to the Committee on Appropriations, and being by the latter committee again reported to the House without additional items of appropriation, is not subject to the point that it should be considered in Committee of the Whole.—*Record*, 1, 50, p. 4793. It was also so held in case of a bill reported with additional items of appropriation.—*Journal*, 1, 54, p. 382.

A motion to recommit a conference report is not in order, for the reason that such reports are not subject to the rules governing ordinary proceedings, the only question in order being on agreeing to the report.—*Record*, 2, 49, p. 880.

A motion to recommit, *with leave to report at any time*, was held to be a change of the rules and not in order.—*Journal*, 2, 47, p. 229.

A motion to recommit, coupled with a proposition that when the bill is again reported to the House it be assigned to a particular day for consideration, is not in order, the latter branch of the motion involving a change of the rules.—*Journal*, 1, 51, p. 713.

A division of the question is not in order on a motion to commit with instructions, or on the different branches of instructions.—*Journals*, 1, 17, p. 507; 1, 31, pp. 1337, 1395; 1, 32, p. 611.

A motion to commit with instructions to report a certain amendment is not in order if the proposed amendment is not in order as an amendment to the bill.—*Journal*, 1, 48, pp. 1247, 1248.

## AFTER ENGROSSMENT AND THIRD READING.

The motion to commit or recommit would not be in order after the order for the engrossment and third reading of a bill had been passed but for the express provision of the following rule, *viz*:

*It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.*—Rule XVII, clause 1.

This rule is construed to permit but *one* motion to recommit, which motion is amendable as other motions until the previous question is ordered thereon.

AFTER ENGROSSMENT AND THIRD READING—Continued.

This motion to commit or recommit is held to be applicable to a simple resolution or order as well as to a bill, and is in order after the previous question is asked or ordered on agreeing to the resolution or order, or when the question is pending for a final vote. It is frequently resorted to, pending the question on agreeing to resolutions reported by the committee in contested election cases.

When the previous question has been ordered to include pending amendments and the bill to its passage, a motion to recommit is not in order until the pending amendments and the question on the engrossment and third reading are disposed of.—*Journal, 1, 54, p. 541.*

By analogy to the practice in the consideration of bills, it is in order to move to recommit a resolution reported in a contested election case when the question is pending on the final disposition thereof.—*Journal, 1, 52, p. 156.*

The question being on agreeing to resolutions reported by the Committee on Elections, and a substitute being proposed the previous question was demanded on the amendment and on agreeing to the resolutions recommended by the committee. The question of order being submitted whether it was in order at that stage to move to recommit the report, the Speaker held: The Chair thinks that motion is not in order at this time. The rule provides that a motion to recommit may be made either before or after the previous question is ordered upon the passage of a bill. It has been frequently held by presiding officers that the word "bill" in this case is used as a generic term, applying to and including all legislative propositions which can properly come before the House. So that in this case the House must first dispose of the substitute, which is but an amendment, and after the disposition of that, when the question shall be upon the original resolutions as amended or without amendment, the motion to recommit will be in order.—*Journal, 1, 52, p. 154.*

When, in pursuance of Rule XVII, a bill, pending the question on its passage, has been recommitted with instructions to the committee to amend it, and the bill as thus amended is again reported to the House, it occupies the same parliamentary status as when first reported to the House from the Committee of the Whole. It is in effect a different bill, and the

**AFTER ENGROSSMENT AND THIRD READING—Continued.**

vote must be again taken on the question: Shall the bill be engrossed and read a third time? and when the question is again on its passage it is again subject to one motion to commit, as provided in Rule XVII.—*Record*, 1, 49, p. 6758.

Under Rule XVII it is in order to move to recommit with instructions to report forthwith.—*Journal*, 2, 51, 312. It was also held that a bill recommitted, with instructions to report forthwith, might be reported immediately by the chairman without formal action by the committee, and that when so reported it would not be subject to the point that it be first considered in Committee of the Whole, although if reported as an original proposition it would be subject to such point.—*Journal*, 2, 51, pp. 312–321.

It has frequently been decided that it is not in order to move to recommit a bill with instructions to bring in a report which would not be in order if offered in the House. The House having voted to strike out what it is proposed to instruct the committee to report, it is not in order to move to recommit with instruction to report the original matter as a substitute or, or amendment to, the bill in its present status.—*Record*, 1, 49, p. 7613; *Journal*, 1, 49, p. 2363.

(See *Commit*; *Refer*.)

#### RECONSIDERATION.

*When a motion has been made and carried or lost, it shall be in order for any member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report or a motion to adjourn, and shall not be withdrawn after the said succeeding day without the consent of the House, and thereafter any Member may call it up for consideration: Provided, That such motion, if made during the last six days of a session, shall be disposed of when made.—Rule XXVIII, clause 1.*

*No bill, petition, memorial, or resolution referred to a committee, or reported therefrom for printing and recommitment, shall be brought back into the House on a motion to reconsider; and all bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing, which shall be printed.—Rule XXVIII, clause 2.* The opinion was expressed

## RECONSIDER—Continued.

by Speaker Reed that the foregoing rule was intended to cover a formal or first reference and not cases where a report has been made by a committee and the matter is recommitted with instructions.—*Journal*, 1, 54, p. 488.

The roll of the yeas and nays being the only official evidence of the vote of a Member, when the vote has not been taken by the yeas and nays it is the practice to recognize any Member to move to reconsider, regardless of his actual vote.

## OF VETOED BILL.

Upon the return of a vetoed bill by the President, the House shall "proceed to reconsider it."—*Const.*, 1, 7; 2, 6.

On such reconsideration the House may at once finally dispose of the bill, or may refer it to a committee, or postpone its consideration, or take such other action as would have been in order on its first consideration. (*See Veto.*)

A vote on the reconsideration of a vetoed bill can not be reconsidered.—*Journal*, 1, 28, pp. 1093, 1097.

## RECONSIDERATION, WHEN MOTION FOR IN ORDER

On the same or succeeding day after a vote is taken, it is in order at *any time* to move its reconsideration and have the motion entered on the Journal, even when a Member is on the floor, or when a question of the highest privilege is pending, but it can not be taken up and considered while another question is before the House.—*Journal*, 1, 34, pp. 1476, 1477. Such has been the uniform practice of the House since that decision.

The consideration of a motion to reconsider is in order whenever called up for consideration, but is not the regular order of business unless so called up by a Member.—*Journal*, 2, 52, p. 43.

A motion to reconsider, if made in time, may be entertained, notwithstanding the papers connected with the original proposition have gone out of the possession of the House.—*Journal*, 1, 26, p. 1033; 1, 28, pp. 1125, 1131; 1, 29, p. 657; 1, 33, pp. 336, 1199. And pending a motion to reconsider the vote on the passage of a bill, the Speaker should decline to sign such bill if reported by the Committee on Enrolled Bills.—*Journal*, 1, 26, p. 1033. When the papers have been sent to the Senate, it is usual, in case of a motion to reconsider, to send a message to that body requesting their return. (*See Recall of a Bill.*)

It is not in order on a private-bill day to call up and consider a motion to reconsider a vote on a public bill if objected to, except after a postponement of the private business.

It is not in order to move a reconsideration of a vote sustaining a decision of the Chair after subsequent action, which it is impossible for the House to reverse, has resulted from such decision.—*Journal*, 1, 31, pp. 860, 861.

It is in order, even pending the demand for the previous question on the passage of a bill, to move the reconsideration of the order of engrossment.—*Journal*, 2, 27, p. 1175. But, of course, if moved at such a time it is not debatable.

Where a motion to reconsider has been once put and decided, it is not in order to repeat the motion.—*Journals* 2, 27, p. 1022; 1, 52, p. 115. But it is otherwise where an amendment has been adopted since the first reconsideration.—*Journals* 1, 31, pp. 1404, 1406, 1407; 1, 51, p. 946.

#### EFFECT OF.

“Where a Congress expires without acting on the motion to reconsider, for the want of time or inclination, the motion, of course, fails and leaves the original proposition operative.”—(Opinion of Mr. Speaker Orr and of Mr. Speaker Banks, in the case of resolutions directing the payment of money out of the contingent fund of the House, where Congress adjourned *sine die* pending motions to reconsider the vote by which they were adopted. These opinions were evidently given after the final adjournment of the House, and are not official.)

It is in order at any time, even when a Member is on the floor or the highest privileged question is pending, on the same or succeeding day, to move a reconsideration and have it entered on the Journal; but it can not be taken up and considered while another question is before the House.—*Journal*, 34, pp. 1476, 1477.

The effect of the pendency of a motion to reconsider, according to the universal usage, is to suspend the original proposition. When, however, a bill has, pending the motion to reconsider and before that motion is acted on, been presented to the President and receives his approval, the validity of the act, it would seem, could not be questioned on account of the pendency of such motion, the signing of the enrolled bill by the Speaker and Vice-President being complete and unimpeachable evidence of its passage. (*See Field v. Clark*, 143 U. S. Repts., p. 650, Feb. 29, 1892.)

## EFFECT OF—Continued.

A similar question would be presented if the vote on the passage were actually reconsidered after the bill was approved.

Under the practice, if a motion to reconsider is pending when the previous question is ordered, such order applies to the motion to reconsider only.

The motion to reconsider can not be withdrawn after the House has voted down a motion to lay the same on the table, such action being held to be a *decision* on the motion.—*Journal* 2, 46, p. 844.

It is a very common practice for the Member having charge of a measure, as soon as a vote is taken upon it, "to move to reconsider the vote last taken, and also to move that the motion to reconsider be laid on the table;" and if the latter motion prevails it is deemed a finality so far as the vote proposed to be reconsidered is concerned. A vote to lay the motion to reconsider on the table does not carry with it the pending measure.

According to the uniform practice, where a motion to reconsider has been passed in the affirmative, the question *immediately* recurs upon the question reconsidered.—*Journal*, 1, 31, p. 847.

When a vote, taken under the operation of the previous question, is reconsidered, the question is then divested of the previous question and is open for debate and amendment.—*Journals*, 1, 27, p. 129; 1, 33, p. 127. These decisions apply only to cases where the previous question was fully exhausted by votes taken on all the questions covered by it before the motion to reconsider was made. In any other case the pendency of the previous question would preclude debate.

## WHAT PROCEEDINGS MAY BE RECONSIDERED AND WHAT MAY NOT.

An order that the vote be taken by yeas and nays may be reconsidered, but the question on ordering the yeas and nays immediately recurs and may again be decided affirmatively by one-fifth of the Members present.—*Journals*, 1, 19, p. 796; 1, 30, p. 405; 1, 51, p. 771.

But where a vote ordering the yeas and nays is reconsidered and the yeas and nays are again ordered a further motion to reconsider that vote is not in order.—*Journal*, 1, 45, p. 290.

A negative vote on a motion to lay on the table may be reconsidered.—*Journal* 2, 32, p. 234.



**WHAT PROCEEDINGS MAY BE RECONSIDERED, ETC.—Continued.**

The House having already reconsidered a vote refusing to lay a bill on the table and having again refused to lay the bill on the table, it is not in order to repeat the motion to reconsider the vote by which the House refused to lay on the table.—*Journal*, 1, 52, p. 115.

For the same reason, a motion to reconsider a vote laying a motion to reconsider on the table is not in order.—*Journals*, 2, 27, p. 334; 1, 33, p. 357.

It is not in order to move to reconsider the vote by which the House refused to adjourn (*Journal*, 2, 45, p. 139); nor the vote by which the House refused to take a recess.—*Journal*, 1, 52, p. 59. Upon appeal the latter decision was sustained—yeas, 208; nays, 6.

After a bill has been ordered to be engrossed it is not in order to move a reconsideration of a vote on an amendment until the order of engrossment has been reconsidered: and if the motion to reconsider the engrossment is laid on the table, no reconsideration of the amendment can then be entertained.

The order for the previous question may be reconsidered, but not after it is partly executed.—*Journal*, 1, 35, pp. 1101, 1398.

A vote on a motion to suspend the rules can not be reconsidered.—*Journal*, 2, 31, p. 134.

It was held not to be in order to move to reconsider the vote by which an appeal from the decision of the Chair was laid on the table.—*Journal*, 1, 44, p. 1492.

**WHEN DEBATABLE AND WHEN NOT.**

A motion to reconsider is not debatable if the question proposed to be reconsidered was not debatable.—*Journals*, 2, 27, p. 331; 2, 30, pp. 135, 136. But the fact of a question having been decided under the operation of the previous question does not prevent debate on the motion to reconsider if the original question was otherwise debatable.—*Journal*, 1, 33, p. 127.

A motion to reconsider the order of engrossment, if made pending the demand of the previous question on the passage of a bill, is not debatable.

A motion to reconsider an undebatable motion is not debatable.—*Journal*, 2, 45, p. 592.

(See *Privileged Questions*.)



## RECORD, CONGRESSIONAL.

(*See Congressional Record.*)

## REFER, MOTION TO; REFERENCE.

Refer and commit are practically synonymous terms.

When a question is under debate, a motion to *refer* or to amend has precedence before the motion to postpone indefinitely, all of which motions are debatable. (*See Rule XVI, clause 4.*)

The motions to refer and to amend are of equal rank one with the other.

It is competent for the House to refer a bill to any committee, regardless of the ordinary jurisdiction of such committee.—*Journal, 1, 48, p. 703.*

All proposed legislation shall be referred as provided in Rule XI.

Bills reported from the standing and select committees are referred to Committees of the Whole, or are placed on the House Calendar, as provided in Rule XIII.

Petitions and private bills are referred to committees by delivering them to the Clerk, as provided in Rule XXII, clause 1.

All other bills, memorials, and resolutions are referred by the Speaker, as provided in Rule XXII, clause 3. But a resolution having been presented to the House as involving a question of privilege and having been discussed, it was held to be the right of the House to dispose of it.—*Journal 1, 54, p. 83.*

An erroneous reference of a private bill or petition is corrected by the committee by returning it to the Clerk with the proper reference indorsed thereon, as provided in Rule XXII, clause 2.

Erroneous reference of public bills and resolutions may be corrected by the House without debate "on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred," as provided in Rule XXII, clause 3.

The erroneous reference of a bill to the Calendar of the House presents a privileged question in like manner as the erroneous reference to a committee.—*Journal, 2, 50, p. 534.*

Executive and other communications addressed to the House or to the Speaker and bills and resolutions of the Senate and bills of the House with Senate amendments are, each day after the approval of the Journal, referred, as provided in Rule XXIV, clause 1.

Senate amendments to House bills which require consideration in the Committee of the Whole must be referred in the first instance to a standing or select committee of the House pursuant to Rule XI; but amendments of the Senate which do not require consideration in Committee of the Whole may be immediately acted on when laid before the House, and may be concurred in, disagreed to, or concurred in with amendments, as the House may desire—*Record*, 2, 52, pp. 1150–1153; *Journal*, 2, 52, pp. 68, 79.

When a House bill comes back with Senate amendments requiring consideration in Committee of the Whole, the bill and amendments thereupon are referred to the committee having jurisdiction of the subject. If the Senate accompany their amendment with a request for a conference, this request endows the bill with privilege in all its subsequent stages.—*Journal*, 2, 51, p. 342.

(*See Commit; Recommit.*)

#### REJECTION.

There are several methods by which a bill may be rejected. For example:

A negative vote on the question, Shall the bill pass?

A negative vote on the question, Shall the bill be read a third time? (Under the rules and practice the question is never put on the second reading.)

An affirmative vote on a motion to strike out the enacting clause or to strike out all after the enacting clause.

An order that the bill be postponed indefinitely.

An order that the bill lie on the table practically amounts to a defeat of the bill, as there is no rule making it at any time regularly in order to move to take from the table bills, resolutions, or motions which lie on the table.

A negative vote, however, on a motion to suspend the rules and pass a bill does not amount to a rejection, but leaves the measure in precisely the same status as before the motion was made.

A negative vote on a motion in Committee of the Whole that a bill be reported favorably to the House does not amount to a decision that the bill be adversely reported.—*Journal*, 1, 46, pp. 421, 422.

It is no ground for refusing to entertain an amendment that the House has previously rejected a substantially similar amendment to another part of the bill.—*Journal*, 1, 47, p. 1285.

Where a bill or resolution has been amended, it is in order to renew a motion to refer (or table) the bill, which motion had been previously rejected.—*Journal*, 1, 51, p. 946.

While a motion to postpone to a day certain or indefinitely, or to refer, can not be repeated at the same stage of a bill on the same day (*see Rule XVI, clause 4*), yet the rejection of such motion does not preclude its renewal at a subsequent stage of the bill, or at the same stage on another day.

#### REPEAL.

Whenever an act is repealed, which repealed a former act, such former act shall not thereby be revived, unless it shall be expressly so provided.—*R. S., sec. 12.*

The repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the repealing act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.—*R. S., sec. 13.*

#### REPEAL PROVISIONS OF THE REVISED STATUTES.

The foregoing seventy-three titles embrace the statutes of the United States, general and permanent in their nature, in force on the first day of December, one thousand eight hundred

and seventy-three, as revised and consolidated by commissioners appointed under an act of Congress, and the same shall be designated and cited as the Revised Statutes of the United States.—*R. S., sec. 5595.*

All acts of Congress passed prior to said first day of December, one thousand eight hundred and seventy-three, any portion of which is embraced in any section of said revision, are hereby repealed, and the section applicable thereto shall be in force in lieu thereof, all parts of such acts not contained in such revision having been repealed or superseded by subsequent acts, or not being general or permanent in their nature: *Provided*, That the incorporation into said revision of any general and permanent provision, taken from an act making appropriations, or from an act containing other provisions of a private, local, or temporary character, shall not repeal or in any way affect any appropriation, or any provision of a private, local, or temporary character, contained in any of said acts, but the same shall remain in force; and all acts of Congress passed prior to said last-named day, no part of which are embraced in said revision, shall not be affected or changed by its enactment.—*R. S., sec. 5596.*

The repeal of the several acts embraced in said revision shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal, but all rights and liabilities under said acts shall continue and may be enforced in the same manner as if said repeal had not been made; nor shall said repeal in any manner affect the right to any office, or change the term or tenure thereof.—*R. S., sec. 5597.*

All offenses committed, and all penalties or forfeitures incurred under any statute embraced in said revision prior to said repeal, may be prosecuted and punished in the same manner and with the same effect as if said repeal had not been made.—*R. S., sec. 5598.*

All acts of limitation, whether applicable to civil causes and proceedings, or to the prosecution of offenses, or for the recovery of penalties or forfeitures, embraced in said revision and covered by said repeal, shall not be affected thereby, but all suits, proceedings, or prosecutions, whether civil or criminal,

## 528 REPEAL PROVISIONS OF THE REVISED STATUTES.

for causes arising or acts done or committed prior to said repeal, may be commenced and prosecuted within the same time as if said repeal had not been made.—*R. S., sec. 5599.*

The enactment of the said revision is not to affect or repeal any act of Congress passed since the 1st day of December, one thousand eight hundred and seventy-three, and all acts passed since that date are to have full effect as if passed after the enactment of this revision, and so far as such acts vary from or conflict with any provision contained in said revision, they are to have effect as subsequent statutes, and as repealing any portion of the revision inconsistent therewith.—*R. S., sec. 5601.*

### REPORTERS.

#### OFFICIAL REPORTERS OF DEBATES.

*The appointment and removal, for cause, of the official reporters of the House, including stenographers of committees, and the manner of the execution of their duties, shall be rested in the Speaker.*—Rule XXXVI, clause 1. The act of January 8, 1874 (Session Laws, 1, 43, p. 5), provides that “there shall be five official reporters of the proceedings and debates of the House of Representatives, who shall be paid monthly at the rate fixed by law.”

By the act of June 22, 1874 (Session Laws, 1, 43, p. 145), “the pay of the said official reporters is fixed at \$50,000 for each Congress” (being at the rate of \$5,000 a year for each reporter).

There are five official reporters of the House who report the debates and proceedings of each day's sitting, which are published the succeeding day in the Congressional Record.

An assistant official reporter is authorized by the legislative appropriation act of July 11, 1888.—*25 Stat. L., p. 261.*

It was held that a Member is not entitled, as a matter of right, to inspect the original copy from the reporters' notes of remarks delivered by another Member which have been withheld for revision.—*Journal, 2, 53, p. 435.*

#### STENOGRAPHIC REPORTERS TO COMMITTEES.

A stenographic reporter to committees of the House, to be appointed by the Speaker, was authorized by resolution of the House January 5, 1865.—*Journal, 2, 38, pp. 79, 80.*

STENOGRAPHIC REPORTERS TO COMMITTEES—*Continued.*

By a resolution of the House of January 18, 1866, the Speaker is directed to appoint a "competent stenographic reporter, to continue in office until otherwise ordered by the House, whose duty it shall be to report in shorthand, on the order of any of the standing or special committees of the House, such proceedings as they may deem necessary, and, when ordered to be printed, properly index and supervise the publication of the same; and who shall receive therefor an annual compensation at the rate now allowed by regulation for reporting court-martial proceedings: *Provided*, That all such reporting ordered by committees of the House, and all such as he shall be required to do for joint committees, shall be done by said reporter or person employed by him without extra compensation or additional expense; and the reports so taken shall be under the entire control of the committees, respectively, by which such testimony shall be taken, or of the House."—*Journal*, 1, 39, p. 162.

By resolution of July 25, 1866, an assistant official reporter to committees, to be appointed by the Speaker, was authorized to serve during the Thirty-ninth Congress—*Journal*, 1, 39, p. 1117; and was continued until otherwise ordered by resolution of March 6, 1867.—*Journal*, 1, 40, p. 13.

These positions were declared vacant by resolution of the House of February 7, 1884, and the Speaker was authorized, upon the request of a committee, to employ such reporters to report the proceedings of the committee as should be deemed necessary, at a compensation to be fixed by the Committee on Accounts.—*Journal*, 1, 48, p. 520.

The position of official stenographer to committees was revived by legislative appropriation act of March 3, 1885, in which an appropriation is made "For two stenographers to committees to be appointed by the Speaker on or after December 1, 1885."—*23 Stat. L.*, p. 293. Similar provisions have been repeated in the appropriation acts of each subsequent Congress.

The duties of the reporters to committees may be considered as defined by the resolution, above quoted, of January 18, 1886.

## REPORTERS FOR THE PRESS.

*Stenographers and reporters, other than the official reporters of the House, wishing to take down the debates and proceedings, may be admitted by the Speaker to the reporters' gallery over the Speaker's chair, under such regulations as he may, from time to time, prescribe; and he may assign one seat on the floor to Associated Press reporters and one to The United Press reporters, and regulate the occupation of the same. And the Speaker may admit to the floor, under such regulations as he may prescribe, one additional representative of each press association.—Rule XXXVI, clause 2.*

## REPORTS OF COMMITTEES.

*All bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing which shall be printed.—Rule XVIII, clause 2.*

*All reports of committees, except as provided in clause 57 of Rule XI, together with the views of the minority, shall be delivered to the Clerk for printing and reference to the proper Calendar under the direction of the Speaker, in accordance with the foregoing clause, and the titles or subjects thereof shall be entered on the Journal and printed in the Record.*

*Provided, That bills reported adversely shall be laid on the table, unless the committee reporting a bill, at the time, or any Member within three days thereafter, shall request its reference to the Calendar, when it shall be referred as provided in clause 1 of this rule.—Rule XIII, clause 2.*

*It shall always be in order to call up for consideration a report from the Committee on Rules, and, pending the consideration thereof, the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain in any other dilatory motion until the said report shall have been fully disposed of.—Rule XI, clause 57.*

*Reading a report is in the nature of debate and is precluded by ordering the previous question.*

*The report is usually read by common consent immediately on entering upon the consideration of a measure, but if objected to, it could only be read in the time of the Member having the floor.*

It is for the House, not the Chair, to determine whether a report in writing is sufficient and should be received.—*Record*, 48, p. 926.

A committee may not report upon a subject which has not been referred to them.—*Journal*, 1, 51, p. 967.

It is presumed that a report made, or motion submitted by a Member, in behalf of a committee, when it is called, has been authorized by such committee. The question of such authority is a question of fact not for the Speaker but for the committee itself to decide.—*Record*, 2, 49, p. 43.

A bill having been recommitted to a committee, with leave to report at any time, and the same being immediately reported by its chairman, is subject to the point that the committee have not considered it.—*Journal*, 2, 50, p. 536.

A negative vote on a motion in Committee of the Whole that a bill be reported favorably to the House does not amount to a decision that the bill be adversely reported.—*Journal*, 1, 46, p. 421, 422.

(See Committees; Morning Hour; Conference Reports.)

#### PRIVILEGED.

Reports from Committee on Rules may be called up at any time pursuant to clause 57, Rule XI.

The right to report at any time carries with it the right to consider the proposition when reported.—*Journal*, 1, 32, p. 195.

The right to report *at any time* bills raising revenue is confined to the Committee on Ways and Means.—*Record*, 1, 49, p. 7332.

By clause 57, Rule XI, the following committees have leave to report at any time on the following subjects:

The Committee on Rules—On rules, joint rules, and order of business;

The Committees on Elections, Nos. 1, 2, and 3—On the right of a Member to his seat;

The Committee on Ways and Means—Bills raising revenue;

The Committee on Appropriations—The legislative, executive, and judicial appropriation bill; the sundry civil appropriation bill; the fortification appropriation bill; the District of Columbia appropriation bill; the pension appropriation bill, and the deficiency appropriation bill;



**PRIVILEGED—Continued.**

**The Committee on Agriculture—**The bill making appropriations for the Department of Agriculture;

**The Committee on Foreign Affairs—**The consular and diplomatic appropriation bill;

**The Committee on Military Affairs—**The Army appropriation bill and the Military Academy appropriation bill;

**The Committee on Naval Affairs—**The naval appropriation bill;

**The Committee on the Post-Office and Post-Roads—**The Post-Office appropriation bill;

**The Committee on Indian Affairs—**The Indian appropriation bill;

**The Committee on Rivers and Harbors—**The river and harbor appropriation bill;

**The Committee on the Public Lands—**Bills for the forfeiture of land grants to railroads and other corporations; bills preventing speculation in the public lands, and bills for the reservation of the public lands for the benefit of actual and bona fide settlers;

**The Committee on Territories—**Bills for the admission of new States;

**The Committee on Enrolled Bills—**Enrolled bills;

**The Committee on Printing—**On all matters referred to them of printing for the use of the House or two Houses;

**The Committee on Accounts—**On the expenditure of the contingent fund of the House.

A privileged report is in possession of the House for consideration as soon as presented, and while under consideration can not be withdrawn except by unanimous consent.—*Journal*, 1, 49, p. 442.

A privileged report retains its privileged character until disposed of, notwithstanding an intervening adjournment. It is subject, however, when again called up, to the question of consideration and to questions of higher privilege.—*Record*, 1, 49, p. 7602.

When a bill has been made a special order for a certain day its consideration takes precedence on such day over privileged reports.—*Record*, 1, 49, p. 7276.

## PRIVILEGED—Continued.

As a general rule the insertion of matter not privileged in a proposition otherwise privileged destroys the privileged character of the report. The rule is, however, liberally construed, and if the proposed addition is substantially in aid of the privileged object the report is held to be privileged.—*See Record, 1, 50, p. 2195; 2, 50, pp. 47, 48; Journal, 1, 54, p. 216.*

A resolution to print documents “to be distributed pro rata among the Members of the House” is a proposition to print “for the use of the House,” and a report thereon is consequently privileged.—*Journal, 1, 52, p. 292.*

A bill regulating the printing for the use of Departments, as well as for the two Houses, is not privileged under the rule.—*Journal, 1, 53, p. 80.*

Where the privilege of a bill is not dependent merely upon the right of the committee to report at any time, reference to the Calendar does not destroy its privileged character.—*Journal, 2, 53, pp. 53, 54.*

According to the practice, reports from the Committee on Rules relative to proposed change in the rules are in order for consideration on Friday as on other days.—*Record, 2, 50, p. 538.*

The consideration of business reported from committees having leave at any time (except the Committee on Rules) is not in order on a day set apart for another class of business—at least until the House has disposed of or refused to consider the business for which the day is assigned.—*Journal, 1, 52, p. 239.*

If a committee fails to report a resolution of inquiry within one week, the report is still privileged whenever reported.—*Journal, 1, 52, pp. 296, 297.*

A joint resolution providing temporarily for continuing in force appropriations for the support of the Government, introduced by a Member and submitted for immediate consideration, is not privileged. It is only privileged when reported from the Committee on Appropriations (which may report at any time).—*Journal, 1, 52, p. 348.*

(*See Privileged Questions.*)

## 534 REPORTS REQUIRED TO BE MADE TO CONGRESS.

### REPORTS REQUIRED TO BE MADE TO CONGRESS.

The heads of Executive Departments and other officers of the Government are required by law to make reports to Congress from time to time upon certain specified subjects. When received they are laid before the House by the Speaker and referred to appropriate committees.

### RESCIND.

When it is desired to set aside or to annul the operation of a rule or order of the House it is usual to make an order "rescinding."

If the annulment is to be only temporary or for a special occasion it is "vacated" for the period indicated.

*Rescind* as applied to an order or rule is equivalent to *repeal* as applied to statutes.

### RESIGNATION OF A MEMBER.

(*See Members.*)

### RESOLUTIONS.

"When the House commands, it is by an 'order.' But facts, principles, and their own opinions and purposes are expressed in the form of resolutions."—*Manual*, p. 136.

This distinction is not strictly kept up in the practice of the House.

Resolutions of a private character, like private bills, are introduced by delivery to the Clerk, pursuant to clause 1, Rule XXII.

All other bills, memorials, and resolutions may in like manner be delivered, indorsed with the names of Members introducing them, to the Speaker, to be by him referred, and the titles and references thereof shall be entered on the Journal and printed in the Record of the next day, pursuant to Rule XXII, clause 3.

Resolutions of a public character, and resolutions or memorials of State or Territorial legislatures, are delivered to the Speaker and referred by him under this rule.

All resolutions of inquiry addressed to the heads of Executive Departments shall be reported to the House within one week after presentation, pursuant to Rule XXII, clause 5.

Such resolutions may therefore be reported *at any time within the week*, and consequently are privileged when reported. A motion to discharge a committee from consideration of such resolution is also a privileged motion after one week from its introduction and reference.—*Journals*, 1, 47. pp. 1124, 1125; 1, 49, p. 1420. (*See Privileged Questions.*)

Resolutions are either joint, concurrent, or simple.

Propositions to give authority or directions to public officers in certain respects; to give the consent of Congress on occasions when such consent is required; to continue in force appropriations; and, generally, measures whose operation is limited to certain specific occasions or periods and not designed to be permanent law, are expressed by joint resolutions.

Under the practice in Congress this distinction between bills and joint resolutions is not closely observed.

A joint resolution, like a bill, must have three readings before it is passed, and must be approved by the President before it becomes operative.

All rules of the House applicable to bills apply with equal force to joint resolutions.

A resolution can not be amended so as to convert it into a joint resolution.—*Journal*, 1, 32, p. 679.

The resolving clause of all joint resolutions shall be in the following form: "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled."—*R. S.*, sec. 8.

No enacting or resolving words shall be used in any section of an act or resolution of Congress except in the first.—*R. S.*, sec. 9.

Concurrent resolutions are employed where the assent of the two Houses only is considered necessary. Thus when appropriations have been made for the use of the two Houses, such as the appropriation for printing, the expenditure of the fund is authorized and directed by concurrent resolution. So when it is proposed to adjourn for a longer period than three days, action is taken by concurrent resolution.

The practice for many years has been not to present concurrent resolutions to the President for his approval. The language of the Constitution, however, seems strictly to require

that all concurrent resolutions, except such as relate to the adjournment of the two Houses, should be approved by the President, viz:

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States, and before the same shall take effect shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.—*Const.*, 1, 7, 3, 6.

A simple resolution of the House is used to express the purpose, intent, or desire of the House. It is frequently used in the practice of the House where an "order" would be more appropriate.

Joint resolutions, like bills, are numbered serially in the order of their introduction, and are abbreviated thus: (H. Res. —) House Joint Resolution; (S. R. —) Senate Joint Resolution.

Concurrent and simple resolutions are, under the act of January 12, 1895, serially numbered, and printed in bill form.

#### REVENUE BILLS.

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.—*Const.*, 1, 7, 1, 6.

Proposed legislation relating to the revenue, or to the bonded debt, and such measures as purport to raise revenue, are, pursuant to Rule XI, clause 2, referred to the Committee on Ways and Means.

The right to report *at any time* bills raising revenue is confined to the Committee on Ways and Means.—*Record*, 1, 49, p. 7332.

A resolution reciting an alleged violation by the Senate of the exclusive right of the House to originate revenue bills and directing an investigation of the subject presents a question of privilege.—*Journal*, 2, 48, pp. 316, 317.

To a bill reducing internal taxes, an amendment changing the duty and imposing certain other duties on imported mer-

chandise was held to be in order as germane, it being necessary in determining the internal revenue to be derived from any article to consider also what the external revenue should be from articles of the same class.—*Journal*, 2, 41, p. 907.

To a bill regulating the collection of tax on one article, amendments changing the rate of taxation on other articles are considered germane and in order.—*Journal*, 3, 46, pp. 415, 416.

To a revenue bill placing certain material on the free list an amendment providing that "for the purpose of supplying any deficiency in the revenues of the Government that may arise from the passage of this bill it is herein provided that the unit of value in the United States shall be the standard silver dollar," etc., and proceeding to embody the bill known as the free-coinage bill, was held to be not in order, the subject of the proposed amendment being different from that of the bill under consideration.—*Record* 1, 52, p. 3116.

#### RESTAURANT.

(*See Capitol.*)

#### REVISION OF THE LAWS, COMMITTEE ON.

(*See Committees.*)

#### RIVERS AND HARBORS, COMMITTEE ON.

This committee has by the present rules leave to report at any time the bill known as the river and harbor appropriation bill.—*Rule XI*, clause 57. This bill is not one of the general appropriation bills (*Record*, 3, 46, p. 1624; also *Journal*, 2, 48, p. 536), but by clause 4, *Rule XXIV*, takes precedence in Committee of the Whole next after general appropriation bills.

A resolution of inquiry asking information relative to the construction of public works built for the improvement of navigation may properly be referred to either the Committee on Rivers and Harbors or the Committee on Interstate and Foreign Commerce.—*Journal* 1, 52, p. 107.

(*See Committees.*)

## RULES.

Each House may determine the rules of its proceedings.—*Const.*, 1, 5, 2, 5.

From the Second Congress down to the Forty-ninth it was customary at the beginning of each Congress to adopt a resolution, in substance, that the rules and standing orders of the House of the previous Congress be the rules and standing orders of the present Congress until the further order of the House, or until after some specified period.

In the Forty-ninth Congress the rules were reported to the House and adopted a few days after the commencement of the first session, thus rendering unnecessary the resolution adopting for the time the rules of the last House.

In the Fifty-first Congress neither a temporary nor permanent code of rules was adopted for the government of the House until more than three months after the session commenced, the Speaker in the meantime holding that the rules of the previous House were neither directly or indirectly operative.—*Record*, 1, 51, *January 1, 1890*.

In the Forty-sixth and in each succeeding Congress, including the Fifty-second, except the Fifty-first and Fifty-third, the following was adopted as a standing rule of the House:

“These rules shall be the rules of the House of Representatives of the present and succeeding Congresses unless otherwise ordered.”

(As to the power of the House to make rules binding on the House in a subsequent Congress, see *Parliamentary Practice*, ante, p. 453.)

The rules of parliamentary practice comprised in *Jefferson's Manual* shall govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House and joint rules of the Senate and House of Representatives, pursuant to Rule XLIV.

(In *Jefferson's Manual*, as it appears in this compilation, are incorporated the present Senate rules, printed in italics. These Senate rules, of course, constitute no part of the “manual” referred to in the above Rule XLIV.)

The rules of proceeding in the House shall be observed in

Committee of the Whole House so far as they may be applicable, pursuant to Rule XXIII, clause 8. No previous question can be put in committee, nor can this committee adjourn as others may (*Manual*, p. 124), nor can the yeas and nays be taken (*Globe*, 1, 28, p. 618; 1, 26, p. 285), nor can a motion to lay on the table be entertained (*Globe*, 2, 31, p. 645), nor motions to reconsider.—*Globe*, 1, 27, p. 305. Neither can a motion to postpone to a day certain or indefinitely be entertained in Committee of the Whole, but a motion may be received to report the pending measure to the House with a recommendation that it be postponed or laid on the table. A committee can not adjourn, but the motion to rise is, like the motion to adjourn, in order at any time.

(*See Suspension of Rules.*)

#### RULES, COMMITTEE ON.

*All proposed action touching the rules, joint rules, and order of business shall be referred to the Committee on Rules.*—Rule XI, clause 51.

*No committee, except the Committee on Rules, shall sit during the sitting of the House without special leave.*—Rule XI, clause 58.

*The Committee on Rules has leave to report at any time on rules, joint rules, and order of business.*—Rule XI, clause 57.

*It shall always be in order to call up for consideration a report from the Committee on Rules, and, pending the consideration thereof, the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of.*—Rule XI, clause 57.

It was held in the Forty-ninth Congress that a proposition to change the rules must be referred in the first instance to the Committee on Rules, pursuant to the provisions of Rule XI.—*Record*, 2, 49, p. 1785.

A resolution changing the rules, if referred to a committee other than the Committee on Rules, is not privileged for consideration when reported.—*Record*, 1, 50, p. 764.

A resolution setting apart a day for the consideration of a bill or a special class of business is held to be a change of the



rules. And a report on a resolution or special order is privileged and may be called up by any Member at any time. (*See Journal*, 1, 49, pp. 2171, 2172.)

(*See Committees; Rules.*)

#### SALARIES.

(*See Compensation.*)

#### SEATS OF MEMBERS.

At the commencement of each Congress, usually on the first or second day, seats are selected by Members for permanent occupation during the Congress, pursuant to the following rule:

*At the commencement of each Congress, immediately after the Members and Delegates are sworn in, the Clerk shall place in a box, prepared for that purpose, a number of small balls, of marble or other material, equal to the number of Members and Delegates, which balls shall be consecutively numbered and thoroughly intermingled, and at such hour as shall be fixed by the House for that purpose, by the hands of a page, draw said balls one by one from the box and announce the number as it is drawn, upon which announcement the Member or Delegate whose name on a numbered alphabetical list shall correspond with the number on the ball shall advance and choose his seat for the term for which he is elected.*

*Before said drawing shall commence each seat shall be vacated and so remain until selected under this rule, and any seat having been selected shall be deemed forfeited if left unoccupied before the call of the roll is finished, and whenever the seats of Members and Delegates shall have been drawn, no proposition for a second drawing shall be in order during that Congress.—Rule XXXII.*

It is usual in this drawing, as a matter of courtesy, to except ex-Speakers of the House and the Members longest in service, one on either side, who are permitted to select their seats before the drawing begins; and it is sometimes provided that seats for absent Members may be selected for them.

The resolution to proceed with the drawing of seats is a proposition highly privileged and has been held to take precedence over the question of the right of a Member to a seat in the House.

By a strict observance of Rule XV it is not in order to entertain a request to record a vote after the second roll call, but according to the usage which has prevailed for many years, if a Member states that he was *in his seat* listening and failed to hear his name, it is customary to permit him to enter his vote.

Previous to the second session of the Thirty-fifth Congress each Member was provided with a desk and seat within the Hall, the location of which for the session had been determined by lot. At that session, with a view to try the experiment of dispensing with desks, the following resolution was adopted, viz :

*Resolved*, That the Superintendent of the Capitol Extension be directed, after the adjournment of the present session of Congress, to remove the desks from the Hall of the House, and to make such rearrangement of the seats of Members as will bring them together in the smallest convenient space.—*Journal*, 2, 35, pp. 580, 583.

At the next session the desks were ordered to be restored, *Journal*, 1, 36, p. 351; and that arrangement has been continued ever since.

#### SENATE, BILLS AND RESOLUTIONS OF THE.

*(See Bills, Resolutions, Engrossed bills, Amendments between the Houses, Conference reports. Business on the Speaker's table.)*

#### SERGEANT-AT-ARMS.

The Sergeant-at-Arms is required to take the oath prescribed in Rule II.

#### DUTIES OF.

He is made a disbursing officer, and his duties are expressly defined by the act of October 1, 1890, as follows:

*Be it enacted, &c.*, That it shall be the duty of the Sergeant-at-Arms of the House of Representatives to attend the House during its sittings, to maintain order under the direction of the Speaker, and, pending the election of a Speaker or Speaker pro tempore, under the direction of the Clerk, execute the commands of the House and all processes issued by authority hereof, directed to him by the Speaker, keep the accounts for the pay and mileage of Members and Delegates, and pay them as provided by law.

SEC. 2. That the symbol of his office shall be the mace, which shall be borne by him while enforcing order on the floor.

SEC. 3. That the moneys which have been, or may be, appropriated for the compensation and mileage of Members and Delegates shall be paid at the Treasury on requisitions drawn by the Sergeant-at-Arms of the House of Representatives, and shall be kept, disbursed, and accounted for by him according to law, and he shall be a disbursing officer, but he shall not be entitled to any compensation additional to the salary now fixed by law.

SEC. 4. That the Sergeant-at-Arms shall, within twenty days after entering upon the duties of his office, and before receiving any portion of the

**DUTIES OF—Continued.**

moneys appropriated for the compensation of mileage of Members and Delegates, give a bond to the United States, with two or more sureties, to be approved by the First Comptroller of the Treasury, in the sum of fifty thousand dollars, with condition for the proper discharge of the duties of his office, and the faithful keeping, application, and disbursements of such moneys as may be drawn from the Treasury and paid to him as disbursing officer of the United States, and shall, from time to time, renew his official bond as the First Comptroller of the Treasury shall direct. No Member of Congress shall be approved as surety on such bond.

SEC. 5. That the bonds given pursuant to this act shall be deposited in the office of the First Comptroller of the Treasury.

SEC. 6. That any person duly elected and qualified as Sergeant-at-Arms of the House of Representatives shall continue in said office until his successor is chosen and qualified, subject, however, to removal by the House of Representatives.

SEC. 7. That the Sergeant-at-Arms of the House of Representatives shall prepare and submit to the House of Representatives, at the commencement of each regular session of Congress, a statement in writing exhibiting the several sums drawn by him pursuant to the provisions of this act, the application and disbursement of the same, and the balance, if any, remaining in his hands.

SEC. 8. That there shall be employed in the office of Sergeant-at-Arms one deputy to the Sergeant-at-Arms, at a salary of two thousand dollars a year; one cashier, at a salary of three thousand dollars a year; one paying teller, at a salary of two thousand dollars a year; one bookkeeper, at a salary of one thousand eight hundred dollars a year; one messenger, at a salary of one thousand two hundred dollars a year; one page, at a salary of seven hundred and twenty dollars a year; and one laborer, at a salary of six hundred and sixty dollars a year.

SEC. 9. That section two hundred and thirty-seven of the Revised Statutes is hereby amended so as to read as follows:

“SEC. 237. That the fiscal year of the Treasury of the United States in all matters of accounts, receipts, expenditures, estimates, and appropriations, except accounts of the Secretary of the Senate for compensation and traveling expenses of Senators, and accounts of the Sergeant-at-Arms of the House of Representatives for compensation and mileage of Members and Delegates, shall commence on the first day of July in each year; and all accounts of receipts and expenditures required by law to be published annually shall be prepared and published for the fiscal year as thus established.

“The fiscal year for the adjustment of the accounts of Secretary of the Senate for compensation and traveling expenses of Senators and of the Sergeant-at-Arms of the House of Representatives for compensation and mileage of Members and Delegates shall extend to and include the third day of July.”

SEC. 10. That all laws and parts of laws inconsistent herewith shall hereby repealed.—26 Stat. L., pp. 645, 646.

**DUTIES OF—Continued.**

Sections 1 and 2 of the foregoing act are identical with the provisions of Rule IV of the House.

By R. S., sec. 53, and the act of June 20, 1874 (*Sess. Laws*, 1) 43, p. 87), it is provided that (in addition to his regular salary, he shall receive, directly or indirectly, no fees, other compensation, or emolument whatever for performing the duties of his office, or in connection therewith.

In case of a vacancy in the office of the Clerk, or the absence or inability of said Clerk to discharge the duties imposed upon him by law or custom relative to the preparation of the roll of Representatives or the organization of the House, the said duties shall devolve on the Sergeant-at-Arms of the next preceding House of Representatives.—*R. S.*, sec. 32.

The Sergeants-at-Arms of the Senate and of the House of Representatives are authorized to make such regulations as they may deem necessary for preserving the peace and securing the Capitol from defacement, and for the protection of the public property therein, and they shall have power to arrest and detain any person violating such regulations until such person can be brought before the proper authorities for trial.—*R. S.*, sec. 1820.

**APPOINTMENT AND CONTROL BY, OF CAPITOL POLICE.**

There shall be a Capitol police, the members of which shall be appointed by the Sergeants-at-Arms of the two Houses and the Architect of the Capitol Extension. There shall be a captain of the Capitol police and such other members, with such rates of compensation, respectively, as may be appropriated for by Congress from year to year.—*R. S.*, sec. 1821.

The captain of the Capitol police may suspend any member of the force, subject to the approval of the two Sergeants-at-Arms and of the Architect of the Capitol Extension.—*R. S.*, sec. 1823.

The Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House of Representatives are directed to select and regulate the pattern for a uniform for the Capitol police and watchmen, and to furnish each member of the force with the necessary belts and arms, at a cost not to exceed twenty dollars per man, payable out of the contingent fund of the

## APPOINTMENT AND CONTROL BY, OF CAPITOL POLICE—Continued.

Senate and House of Representatives upon the certificate of the officers above named.—*R. S., sec. 1824.*

The members of the Capitol police shall furnish, at their own expense, each his own uniform, which shall be in exact conformity to that required by regulation of the Sergeant-at-Arms.—*R. S., sec. 1825.*

It is also made the duty of the Sergeant-at-Arms to make out a full and complete account of all the property belonging to the Government in his possession on the first day of each regular session and at the expiration of his term of service.—*R. S., sec. 72.*

(*See Capitol; Call of the House; Absent Members; Mace.*)

## SESSIONS OF CONGRESS.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.—*Const., 1, 4, 2, 5.*

He (the President) may, on extraordinary occasions, convene both Houses or either of them.—*Const., 2, 3, 17.*

Under section 4, Article 1, of the Constitution, in the absence of legislation or proclamation fixing a different date, the Congress meets on the first Monday in December of every year (first session being in the odd year, and the second session in the even).

Since the Constitution went into effect there have been thirty sessions commencing at periods other than the date prescribed in the Constitution. Of these, the date of commencement of nineteen have been fixed by law; and twelve, including the first session of the Fifty-third Congress, have been specially convened by the President on extraordinary occasions.

The last session of a Congress expires, by limitation, on the 4th of March of each odd-numbered year, unless by concurrent resolution, or, in case of disagreement of the two Houses by proclamation of the President, there is an earlier adjournment. (*See Adjournment sine die.*)

There is no limitation to the period of a first session or other session than the last; and if a session, being convened before the period prescribed by the Constitution for its meeting, fails

to adjourn *sine die* before the first Monday in December, the duration of such session is not interrupted by the arrival of said day; and if the Congress should finally adjourn at any time after that day, it could not again assemble before the following December, except it be convened by law or proclamation.

Instances of sessions of Congress, convened prior to December, extending beyond the constitutional date (the first Monday in December) are as follows. (*See Appendix.*)

For list of sessions of Congress, showing date of commencement, of adjournment, how convened, etc., see *Appendix*.

(*See Meeting of Congress.*)

#### SECRET SESSION.

*Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any Member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons except the Members and officers thereof, and so continue during the reading of such communications, the debates and proceedings thereon, unless otherwise ordered by the House.—Rule XXX.*

*There shall be elected \* \* \* a Clerk, Sergeant-at-Arms, Doorkeeper, Postmaster, and Chaplain, each of whom shall take an oath to keep the secrets of the House.—Rule II.*

Such parts of the Journal of a secret session as may, in the judgment of the House, require secrecy need not be published.—*Const.*, 1, 5, 35.

#### SMITHSONIAN INSTITUTION.

Three of the Regents of said Institution shall be Members of the House of Representatives, to be appointed by the Speaker. The Members of the House so appointed shall serve for the term of two years, and on every alternate fourth Wednesday of December a like number shall be appointed in the same manner, to serve until the fourth Wednesday in December in the second year succeeding their appointment. Vacancies, occasioned by death, resignation, or otherwise, shall be filled as vacancies in committees are filled.—*R. S.*, secs. 5580 and 5581.

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The Board of Regents shall submit to Congress, at each session thereof, a report of the operations, expenditures, and condition of the Institution.—*R. S., sec. 5593.*

**SOLDIERS' HOME AT LEAVENWORTH, KANSAS, COMMITTEE TO INVESTIGATE.**

(*See Committees.*)

**SPEAKER.**

The House of Representatives shall choose their Speaker and other officers.—*Const., 1, 2, 5, 3.*

**APPOINTMENTS BY.**

He appoints the standing committees of the House unless otherwise specially ordered. (*See Rule X, clause 1.*)

He appoints all the select and conference committees. (*See Rule X, clause 2.*)

He appoints the Chairman of the Committee of the Whole. (*See Rule XXIII, clause 1.*)

He may appoint a Speaker *pro tempore* for one day; but in case of the Speaker's illness he may, with the approval of the House, make such appointment for ten days. (*See Rule I, clause 7.*) (The Senate and the President should be notified of such appointment if for a period beyond one day.)—*Journals 1, 5, pp. 266, 316; 1, 30, p. 923.*

He appoints the official stenographers of the House, including the stenographers to committees. (*See Rule XXXVI.*)

He also appoints the engineer of the House and the employees in the engineer's department.

He appoints from the Members of the House:

Three Visitors to the Military Academy at West Point.—*R. S., 1326.*

Three Visitors to the Naval Academy at Annapolis.—*20 Stat. L., p. 290.*

Three Regents of the Smithsonian Institution.—*R. S., sec. 5581.*

Two Directors of the Columbia Hospital for Women.—*17 Stat. L., p. 360.*

Two Directors of the Columbia Institution for the Deaf and Dumb.—*R. S., sec. 4863.*

Two consulting trustees of the Reform School of the District of Columbia.—*R. S., Supplement of, 1890, p. 104.*

## DUTIES OF.

He calls the House to order, examines and approves Journal of the House. (*See Rule I, clause 1.*)

He preserves order, and may cause galleries to be cleared. (*See Rule I, clause 2.*)

He is required to sign all acts, addresses, joint resolutions, and warrants issued by order of the House. (*See Rule I, clause 4.*)

He decides all questions of order arising in the House, subject to appeal. (*See Rule I, clause 4.*)

He rises to put a question, but may state it sitting. (*See Rule I, clause 5.*)

He is not required to vote except where his vote would be decisive, or when the vote is by ballot. (*See Rule I, clause 6.*) [A proposition being *defeated by a tie vote* as well as by a majority of one, it follows that the Speaker is under this rule *never required* to vote, except in case of a ballot.]

After the second roll call "the Speaker shall not entertain a request to record a vote." (*See Rule XV, clause 1.*) But in accordance with the long usage of the House, when a Member states that he was in his seat listening, and failed to hear his name, the request to record his vote is entertained.

If any Member, in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any Member may, call him to order. (*See Rule XIV, clause 4.*)

Pending a motion to suspend the rules, the Speaker may entertain one motion that the House adjourn; but after the result thereon is announced he shall not entertain any other dilatory motion till the vote is taken on suspension. (*See Rule XVI, clause 8.*)

Pending the consideration of a report from the Committee on Rules, the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of. (*See Rule XI, clause 57.*)

When a motion has been made, the Speaker shall state it, or (if it be in writing) cause it to be read aloud by the Clerk before being debated. (*See Rule XVI, clause 2.*)

A call of the House shall not be in order after the previous



## DUTIES OF—Continued.

question is ordered, unless it shall appear upon an actual count by the Speaker that a quorum is not present. (*See Rule XVII, clause 2.*)

The Speaker has general control of the corridors, passages, and the disposal of unappropriated rooms of the House wing of the Capitol. (*See Rule I, clause 3.*)

May prescribe regulations for the admission of reporters to the reporters' gallery. (*See Rule XXXVI, clause 2.*)

## SPEAKER'S TABLE.

(*See Business on Speaker's Table.*)

## SPECIAL ORDERS.

Propositions for a change in the order of business, or for special orders, are referred to the Committee on Rules, and may be reported and considered at any time; and during the consideration thereof no dilatory motions are permitted until the question is disposed of. (*See Rule XI, clauses 51 and 57.*)

## FORM OF.

The usual form of resolution for making a special order is "*that the* (here describe the bill or whatever else it may be) *be made the special order for the — day of —, and from day to day until the same is disposed of.*"—*Journal*, 1, 31, p. 1176. In which case, after the arrival of the time fixed, or the disposal of a special order previously made, it takes precedence of other business until it is disposed of.

Sometimes the words "*Fridays and Saturdays excepted*" are inserted.—*Journal*, 1, 30, p. 692. In which case the consideration of private bills may be proceeded with on those days, but it is otherwise where these words are omitted.—*Journal*, 1, 32, pp. 401, 433. Since that period Fridays alone are set apart for the consideration of private bills. And sometimes the words "*and from day to day until disposed of*" are omitted.—*Journal*, 1, 31, p. 522. In which case it is a special order for the day named only, and if the matter made a special order is not taken up, or, if taken up, is left undisposed of on the day fixed, thereafter it loses its specialty.—*Journals*, 1, 31, pp. 631, 897; 2, 48, p. 248; 1, 51, p. 567.

## SPECIAL ORDERS, EFFECT OF.

A special order amounts to a change of the rules and regularly can be adopted only in the manner prescribed for changing the rules, it being a change of the established order of business.—*Journals*, 1, 23, p. 785; 3, 27, p. 355; 1, 31, p. 1096.

A special order may be postponed by a majority vote.—*Journal*, 1, 29, p. 1170; *Globe*, 1, 31, p. 1318. And, according to the usage, whenever the time arrives for the consideration of a special order in Committee of the Whole, the same may be postponed by a vote in the House.

Pending a special order, it is not in order to move a suspension of the rules, the special order having been made under a suspension of the rules (*Globe*, 2, 29, p. 430), unless said motion be with reference to the pending special order.

A continuing special order for the consideration of a public bill "from day to day until finally acted on" makes such consideration in order on Friday as on other days.—*Journal*, 2, 48, p. 136.

A given number of days being assigned generally for the consideration of certain public bills is construed as not including Friday, which day is set apart for private business.—*Journal*, 1, 51, p. 315.

When a bill which is in Committee of the Whole is made a special order, the effect of such order is to bring the bill into the House for consideration.—*Record*, 2, 49, p. 42.

A special order fixing a day for the consideration of certain business is not necessarily a change of the rules.—*Record*, 2, 9, p. 43.

A special order providing for the consideration of a bill immediately after the reading of the Journal, but not being reached until other business had been disposed of, the Chair held that it was in order any time after reading the Journal.—*Journal*, 1, 51, p. 1078.

A special order assigning a certain day for the consideration of a bill was held to be a waiver of the point that its first consideration should be in Committee of the Whole.—*Journal*, 1, 47, p. 181; 1, 51, p. 260.

A bill having at a Friday evening session been made a special order for the next Tuesday, the previous question to be considered as ordered, was held to be in order for consid-

## SPECIAL ORDERS, EFFECT OF—Continued.

eration the next Wednesday. While it might be against the rules to make such special order on a Friday night, yet if made without objection then it would hold good, and with the previous question ordered, have the effect of a continuing order.—*Record*, 1, 51, pp. 4168, 4246, 4382.

A session of the House extending, by failure to adjourn, into the next calendar day, a special order for the latter day is pretermitted, the session being of the legislative, not the Calendar day.—*Record*, 1, 50, pp. 2749, 2755; *Journal*, 1, 50, pp. 1479, 1491.

The question of consideration can be demanded against a bill which has been made exclusively a special order for a certain day. When, however, a day is assigned for the consideration of a class of bills, the question of consideration can not be demanded against the whole class, but may be against each bill in its order as presented.—*Record*, 1, 49, p. 7335.

Where a day is specially assigned to a committee for the consideration of such business as it may present or indicate, it is in order for such committee to indicate any bill it pleases, whether pending in committee, on a Calendar, or on the Speaker's table.—*Journal*, 1, 47, p. 1511.

When a special order provides that certain amendments shall be voted on at a certain time, it is not in order to propose amendments to such specified amendments.—*Journal*, 1, 53, p. 18.

A special order providing that at a certain time, after voting on certain specified amendments, a vote shall be taken on the engrossment and third reading of a bill, after the last specified amendment is voted on no further amendment is in order.—*Journal*, 1, 53, pp. 21, 22.

Special orders may be made either by means of a motion to suspend the rules, or upon the report of the Committee on Rules, or by unanimous consent.

The effect of postponing a bill to a day certain is to make it a special order for that day, subject, of course, to precedence of prior special orders.

A day being specially assigned to a committee for consideration of such business as it may present, a bill undisposed

of when the day expires falls with the day.—*Journal*, 1, 51, p. 567. It is otherwise, however, if the previous question has been ordered.

#### **SPECIAL ORDERS, PRECEDENCE OF.**

Where two special orders are made for the same time, the one first made takes precedence.—*Globe*, 1, 26, p. 325. The other, according to the practice, if made for that day and “from day to day,” will come up as soon as the one first made is disposed of.

A special order assigning and setting apart a day for the consideration of a bill or business of a committee takes precedence of a special order making a particular bill a “continuing order.”—*Journal*, 1, 49, p. 1598; *Record*, 1, 49, p. 4483.

A question of privilege is in order and has precedence, though presented on a day previously set apart by special order for the consideration of other business.—*Journal*, 1, 51, p. 937.

Two bills being made special orders for the same day neither has precedence over the other, and the measure first called up is first in order.—*Record*, 1, 49, p. 4543.

When a bill has been made a special order for a certain day, its consideration takes precedence on such day over privileged reports.—*Record*, 1, 49, p. 7276.

Where a special order assigning a day for the consideration of a bill provides that at a certain hour the previous question shall be ordered to include all amendments and the bill to its passage, but before the previous question is exhausted on such day an adjournment takes place, it was held that the bill comes up in order for consideration on the next succeeding day.—*Journal*, 2, 50, pp. 321, 381.

#### **STATIONERY.**

The Secretary of the Senate and Clerk of the House of Representatives shall annually advertise, once a week for at least four weeks, in one or more of the principal papers published in the District of Columbia, for sealed proposals for supplying the Senate and House of Representatives, respectively, during the next session of Congress with the necessary stationery.—*R. S.*, sec. 65.

The advertisement published under the preceding section must describe the kind of stationery required, and must require the proposals to be accompanied with sufficient security for their performance.—*R. S., sec. 66.*

All such proposals shall be kept sealed until the day specified in such advertisement for opening the same, when the same shall be opened in the presence of at least two persons, and the contract shall be given to the lowest bidder, provided he shall give satisfactory security to perform the same, under a forfeiture not exceeding double the contract price in case of failure; and in case the lowest bidder shall fail to enter into such contract and give such security, within a time to be fixed in such advertisement, then the contract shall be given to the next lowest bidder, who shall enter into such contract and give such security. And in case of failure by the person entering into such contract to perform the same, he and his sureties shall be liable for the forfeiture specified in such contract, as liquidated damages, to be sued for in the name of the United States.—*R. S., sec. 67.*

The three preceding sections shall not prevent either the Secretary or the Clerk from contracting for separate parts of the supplies of stationery required to be furnished.—*R. S., 68.*

The annual appropriation for stationery or commutation therefor is fixed at \$125 to each Member.

By a resolution of the House on the 24th of July, 1868 (*Journal*, 2, 40, p. 1173), it is provided that the Clerk be authorized, as the agent of the House, to purchase, in the manner provided by law, on the best terms he may find practicable, such stationery as may be requisite for the use of the House and Clerk's office, giving preference in all cases to American manufacture, provided it be equally cheap and of as good quality; that he cause to be recorded in a well-bound book, suited to that purpose, the bills and invoices of all the stationery he may so purchase from time to time; that he deliver to the Members of Congress and officers hereinafter named the amounts of stationery hereinafter specified, keeping an accurate account of the same, and also of the quantity and value of that used in the Clerk's office; and that hereafter in the annual reports

now required by law to be made by the Clerk showing the amount of expenditure from the contingent fund of the House, he be required to state, accurately and distinctly, the quantity and cost of all the stationery delivered pursuant to the provisions hereof and that used in the Clerk's office; also the amount remaining on hand at the time of making such statement, and the amount of unexpended appropriation for stationery: *Provided*, That the amount furnished to Members of Congress may be embraced in a single item.

And he is required to deliver to every Member of the House the usual articles of stationery now furnished to Members to an amount not exceeding in value that authorized by law, at the cost price, in the stationery room, or, at the option of the Members, to pay them the proper commutation in money; that he keep a true and accurate account of all stationery which he may so deliver to the several Members of the House; and if in any case a Member shall receive a greater amount of stationery during any session than is above provided, the Clerk shall, before the close of such session, furnish to the Sergeant-at-Arms an account of such excess beyond the amount above specified, who is hereby required to deduct the amount of such excess from the pay and mileage of such Member, and refund the same into the Treasury: *Provided*, That this limitation is not intended to be made applicable to the use of wrapping paper and envelopes which may be required in the folding room.

And he is also authorized and required to deliver to the chairman of each of the committees of the House, for the use of such committees, and to the Postmaster, Sergeant-at-Arms, and Doorkeeper, for the use of their respective offices, at every session of Congress, similar articles of stationery, not exceeding in value an amount which from time to time shall be fixed upon by the Committee on Accounts and approved by the Speaker.

#### STENOGRAPHERS.

*(See Reporters.)*



## STRIKE OUT, MOTION TO.

*A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert.—Rule XVI, clause 7.*

“If it is proposed to amend by striking out a paragraph, the friends of the paragraph are first to make it as perfect as they can by amendments before the question is put for striking it out.”—*Manual, p. 158.*

Where it is voted affirmatively to strike out certain words and insert A, it is not afterwards in order to strike out A and insert B.—*Manual, p. 159.*

After A is inserted, however, it may be moved to strike out a portion of the original paragraph comprehending A, provided the coherence to be struck out be so substantial as to make this effectively a different proposition.—*Manual, p. 159.*

A motion to recommit with instructions to strike out a paragraph or section inserted by the House is not in order, for the reason that it would not be in order as an amendment.—*Journal, 1, 49, p. 2363.*

A motion to strike out is simply an amendment and is governed by the rules applicable to amendments generally.

Respecting motion to strike out enacting clause, or all after enacting clause. (*See Enacting Words.*)

(*See Amendment.*)

## SUBSTITUTE.

(*See Amendments, as Substitutes.*)

When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon.—Rule XIX.

A substitute is but a species of amendment. It may be for a single section or for the entire bill, the object being to strike out the original or pending proposition and insert the new matter proposed.


After a substitute has been agreed to, the vote must be taken on the proposition as thus amended.

A motion, however, to strike out and insert (as for example, the case of a substitute) being carried, precludes a motion to strike out or otherwise amend the matter inserted. Hence, after a substitute has been agreed to, no amendment to the substitute is in order. It is, therefore, important to perfect a substitute, by desired amendments thereto, before the question of agreeing to it is voted on.

Where amendments, desired by a committee having a bill under consideration, are numerous or of a radical character, where it is desired at one time to dispose of a number of separate bills on the same subject, it is a convenient and common practice to report *a new bill in lieu* of the original or originals, the latter being reported adversely and ordered to lie on the table. This new bill takes a new number, and is entirely dependent of and unconnected with the original, in lieu of which it is reported. Such new bill is sometimes erroneously termed a "substitute." The use of the term tends to produce confusion. If it were in fact a "substitute" (which in a parliamentary sense is simply an amendment), it would have to be disposed of as are other amendments, and the original bill could be otherwise amendable before the substitute could be voted on.

The form of a substitute for an entire bill (or joint resolution) "strike out all after the enacting (or resolving) clause and insert," etc.

A joint resolution, or even a simple resolution, may be reported by a committee in lieu of a bill referred to it. (*See Journal*, 49, p. 378.) But neither would be in order as a mere substitute for the bill, inasmuch as the series of numbers of bills and of resolutions are entirely distinct; and to amend a bill by making it a resolution, or *vice versa*, would be an inconsistent proceeding, and would obscure the history of the measure through the several legislative stages. Were it permitted so to amend a bill under consideration, a resolution would appear to have been passed which had never been introduced, referred or reported by a committee, its inception and its culmination being one and the same act.





It is in order to move an amendment to the original bill as well as to the substitute reported therefor before the vote is taken on agreeing to the substitute. But a substitute, once agreed to, can not be further amended except by special agreement on the part of the House.—*Record*, 1, 49, p. 7615.

Pending consideration in Committee of the Whole of an appropriation bill by paragraphs for amendment, but before the reading of all the paragraphs has been completed, an amendment striking out all after the enacting clause and inserting a substitute was proposed and debated. *Held*, that, no further amendment being proposed to the text of the bill, it was in order to vote on the substitute without reading the remaining paragraphs.—*Record*, 2, 49, p. 1059.

A bill being under consideration in the House as in Committee of the Whole, it was held that a substitute for the entire bill would be in order only after the reading of the bill by sections is concluded.—*Journal*, 2, 53, p. 485.

It is not in order to move to consider a Senate bill in lieu of a House bill.—*Journal*, 2, 52, p. 52. But a motion to substitute the text of a Senate bill as an amendment to the House bill is in order. (See amendment.)

SUBWAYS IN THE DISTRICT OF COLUMBIA, COMMITTEE ON.  
(See Committees.)

#### SUNDAY.

According to the practice prevailing since the establishment of the Government, a legislative day never begins on Sunday, but the session of the preceding day will continue through the whole of Sunday if no adjournment intervenes.

A recess may be taken until any hour on Sunday, or may be taken from Saturday until Monday morning, provided the hour fixed be prior to the hour of daily meeting. According to the practice, however, a recess is never taken for a period extending beyond the hour of daily meeting.

Sunday is not taken into account under a motion to fix the day to which the House shall adjourn.—*Journal*, 1, 54, p. 83.

If the last legislative day of a Congress, March 3, falls on Saturday and the House continues in session, the Speaker, at 12 o'clock m. Sunday, March 4, declares the House adjourned *sine die*.—*Journal*, 2, 44, p. 698.

When the commencement of the term of the President of the United States has occurred on Sunday, March 4, the administration of the oath to the President-elect and the inaugural

ceremonies did not take place until the following day, March 5, at 12 o'clock noon. (*See Senate Journal, special session, 1, 15, Mar. 5, 1877.*)

The commencement of a Presidential term first fell on Sunday on the 4th of March, 1821. The President consulted the Supreme Court, who advised that the oath be administered to the President-elect at 12 o'clock noon on Monday, the 5th, which was accordingly done. (*See Memoirs of J. Q. Adams, Vol. V, p. 302.*)

It is for the House, and not for the Speaker, to determine whether the House shall continue in session after 12 o'clock on Saturday night.—*Journal, 1, 24, pp. 577, 582.*

#### SUSPENSION OF THE RULES.

*No rule shall be suspended except by a vote of two-thirds of the members voting, a quorum being present; nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month, preference being given on the first Monday to individuals and on the third Monday to committees, and during the last six days of a session.*—Rule XXVIII, clause 1.

*All motions to suspend the rules shall, before being submitted to the House, be seconded by a majority by tellers, if demanded.*—Rule XXVIII, clause 2.

*When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for forty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition; and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.*—Rule XXVIII, clause 3.

It was held that the rule merely permitted but did not require the Speaker to entertain motions to suspend the rules on the first and third Mondays.—*Journal, 2, 53, p. 138.*

#### MOTIONS FOR, BY INDIVIDUAL MEMBERS AND BY COMMITTEES.

The recognition of individuals on the first Monday under this rule is, like recognitions for other purposes, entirely in the discretion of the Speaker.

MOTIONS FOR, BY INDIVIDUAL MEMBERS AND BY COMMITTEES—*Cont'd.*

As an equitable mode of executing the rule, the Speaker announced that he would thereafter call the committees in regular order for motions to suspend the rules on third Mondays, which course was approved by a vote of the House.—*Journal*, 3, 46, p. 104. This method, however, is not required by the rules, and has not been uniformly observed in the practice, the Speaker sometimes, for satisfactory reasons, recognizing committees out of their order, and when no committee indicates a desire to make such motion, it being even in order to entertain the individual motion of a Member. (*See Journal*, 1, 50, p. 1650; *Record*, 1, 51, February 17, 1890.

It is not in order for a committee to move to suspend the rules and pass a bill or resolution which has not been referred to it and of which it has not acquired jurisdiction.—*Journals*, 1, 48, p. 1108; 1, 51, p. 967.

It is too late, after a motion by an individual Member, made on a third Monday, to suspend the rules has been seconded by the House, to make the point that the motion was not authorized by a committee.—*Journal*, 1, 50, pp. 1649, 1650; *Record*, 2, 52, p. 442.

A motion in behalf of a committee to suspend the rules and pass a bill having been submitted, but being undisposed of when the House adjourned, the same committee was permitted, when suspension of the rules was next in order, to withdraw the previous motion and in its stead to move to suspend the rules and pass another measure.—*Journal*, 2, 51, p. 55.

Authority to make a motion in behalf of a committee must be given by the committee. It is not sufficient that members of the committee have individually consented.—*Journal*, 1, 51, p. 242.

A motion to suspend the rules pending and undisposed of when the House adjourns on a first or third Monday goes over and is the first business in order on the next "suspension" day, an "individual" motion thus going over to "committee" day and *vice versa*. (*See Journal*, 2, 50, p. 321.)

The mover may modify his motion at any time before the motion is seconded by the House.—*Record*, 2, 50, p. 1063. Provided, of course, he is recognized by the Speaker for that purpose. If the proposed modification substantially changes the

**MOTIONS FOR, BY INDIVIDUAL MEMBERS AND BY COMMITTEES—**(Cont'd.) purpose of the motion, that might be a good reason for declining to entertain and thus give preference to the modified motion, when other Members are seeking recognition for motions to suspend the rules.

When the House adjourns pending a motion to suspend the rules, it is the usage to recognize the mover to renew the motion on the day when suspension of the rules is next in order and to consider such motion as *quasi* unfinished business. But when the House has on two successive *suspension days* adjourned pending such motion, and without seconding it, as required by the rule, it will not continue unfinished business and be given precedence over other motions to suspend the rules which the Chair may see proper to entertain.—*Journal*, 2, 52, p. 122.

**MOTIONS FOR, TO BE SECONDED BY HOUSE.**

It is a common practice for a Member to demand a second, and then ask to dispense with the vote by tellers on seconding the motion and that a second be ordered without tellers; the latter request, of course, requiring unanimous consent.

The Member demanding a second to the motion is, according to the practice, recognized to occupy or control the time for debate in opposition to the motion.

After a second is ordered a request to modify the motion to suspend the rules can only be made by unanimous consent, and it is not in order to entertain such request except when made by the mover.—*Journal*, 1, 52, pp. 142, 143.

**DEBATE ON MOTION FOR.**

By unanimous consent an order is sometimes made to extend the time for debate on motions to suspend the rules when the question is important or of general interest.

A motion to *suspend the rules* and agree to an undebatable motion—*e. g.*, a motion to lay on the table—is, pursuant to Rule XXVIII, subject to debate for forty minutes.—*Journal*, 2, 52, pp. 142, 143.

**MOTIONS FOR, NOT SUBJECT TO DILATORY OR SUBSIDIARY MOTIONS.**

*Pending a motion to suspend the rules the Speaker may entertain one motion that the House adjourn; but after the result thereon is announced he shall not entertain any other dilatory motion till the vote is taken on suspension.*—Rule XVI, clause 8.

## MOTIONS FOR, NOT SUBJECT, ETC.—Continued.

Pending a motion to suspend the rules, a motion to adjourn having been voted down and no quorum voting to second the former motion, a motion to adjourn is again in order, though no other business has intervened.—*Journal*, 2, 50, p. 103.

A motion to suspend the rules is not amendable (*Globe*, 2, 30, pp. 319, 320; *Journal*, 2, 35, p. 477), nor can it be laid on the table (*Globe*, 1, 29, p. 343; *Journal*, 2, 35, p. 510), nor postponed indefinitely.—*Globe*, 1, 26, p. 121.

(See *Dilatory Motions*.)

## PRECEDENCE OF MOTION FOR.

It is not in order to move a suspension of the rules while the House is acting under a suspension of the rules (*Globe*, 2, 27, pp. 58, 142; 1, 31, p. 1225), unless connected with the business immediately before the House (*Journal*, 2, 36, p. 212), nor while considering a special order, it having been made under a suspension of the rules (*Globe*, 2, 29, pp. 401, 430) [unless connected with the consideration of such special order], nor while the previous question is operating.—*Journal*, 2, 23, p. 564.

Two motions to suspend the rules can not be pending at the same time.—*Journal*, 1, 50, p. 1956.

On days when suspension of the rules is in order a motion to suspend the rules may be entertained pending a motion for a recess.—*Journal*, 2, 42, p. 1099.

Pending the consideration of the question of the right of a Member to his seat a motion to suspend the rules and pass a bill is not in order.—*Record*, 2, 48, p. 2565.

A motion to suspend the rules, when in order, takes precedence over all other motions and propositions except one motion, to adjourn.—*Journal*, 1, 52, p. 277.

## OBJECT AND EFFECT OF.

Where the rules are suspended to enable a Member to submit a particular proposition, if he fail to submit it another Member may do so.—*Journal*, 1, 23, p. 631.

After the rules have been suspended to allow a proposition to be submitted, it can not be modified.—*Globe*, 1, 31, p. 1727; but it may be amended by a vote of the House.

The motion to suspend the rules to *allow* a proposition to be submitted out of order is now seldom resorted to, the practice

OBJECT AND EFFECT OF—*Continued.*

for a number of years having power to move to suspend the rules and immediately pass the proposed measure.

The motion is also frequently made in order to carry forth orders assigning particular days to the consideration of certain measures or classes of measures.

The rules may be suspended to discharge a Committee of the Whole from the consideration of a bill and to discharge it from the House. When proceeding in such order the consideration commences it is subject to the ordinary rules governing it in the House.

The rules may be suspended by a single vote for the purpose of enabling a number of bills to be reported from a Committee.—*Journal 3, 34, p. 422.*

The rules may be suspended by a single vote in order to permit the House to vote immediately on an amendment or amendments to a bill and then on the bill.—*Ibid.*

The vote on a motion to suspend the rules may be reconsidered.—*Journal 2, 11, p. 100.*

## XXI

All motions or propositions for the consideration of any bill or people \* \* \* shall be first considered by the Committee of the Whole, and a point of order may be raised at any time before the consideration of a bill or proposition.—*Constitution, XXIII, clause 3.*

It was decided in the Twenty-first Congress that a bill similar to the foregoing bill might be passed imposing a special duty upon the duties of the House and expenses to be incurred by the members of the House in the service thereto, and that it was referred to the Committee on Finance of the Committee of the Whole.—*Journal 2, 11, p. 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160.*

(See *Revenue Bill*.)

## XXII

In the election of a speaker the Clerk designates four Members who shall act as tellers of the vote about to be taken, making the selection from Members of different parties—the

tellers taking their seats at the Clerk's desk. When the roll is completed one of the tellers announces to the House what number of votes each candidate has received.

The law which relates to the counting of the electoral vote for President and Vice-President provides:

Two tellers shall be previously appointed on the part of the Senate, and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificate; and the votes having been ascertained and counted in the manner and according to the rules in this act provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.—*21 Stat. L., p. 373.*

*(See Electoral Vote.)*

*He (the Speaker) shall rise to put a question, but may state it sitting, and shall put questions in this form, to wit: "As many as are in favor (as the question may be) say Aye;" and after the affirmative voice is expressed, "As many as are opposed say No;" if he doubts, or a division is called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and then those in the negative; if he still doubts, or a count is required by at least one-fifth of a quorum, he shall name one from each side of the question, to tell the Members in the affirmative and negative; which being reported, he shall rise and state the decision.—Rule I, clause 5.*

The House of Representatives, Fifty-fourth Congress, consists of 357 Members, and 179 being a quorum, one-fifth of the latter number, *i. e.*, 36 Members, is required to demand tellers.

According to the usage, whenever no quorum votes on a

vision and the point is suggested, the Speaker directs the vote to be taken by tellers.

Two Members favoring one side of a question having successively declined to act as tellers, the Speaker directed the vote to be counted by the single teller representing the opposite side.—*Journal*, 2, 53, p. 287.

It has been repeatedly decided that it is too late to demand tellers after the yeas and nays have been refused.

After a vote taken upon a division tellers were demanded and refused. It was held to be then too late to make the point of no quorum.—*Journal*, 2, 52, p. 53.

Where the vote as announced by tellers shows no quorum existing and a motion to adjourn or for a call of the House is rejected and voted down, it is customary to take the vote by tellers on the original question *de novo*, instead of continuing the count of additional votes.—*Journal*, 2, 52, p. 117.

When the interruption, however, is very brief, and no confusion would thereby result, it would seem properly in the discretion of the Chair to permit the count to be continued where it was left off, instead of ordering an entire recount.

In the absence of a rule or order for appointment of tellers, it is within the discretion of the Chair to appoint (or to refuse to appoint) tellers.—*Journal*, 1, 51, p. 144.

A demand for tellers is not precluded by the count of the yeas and nays by the Speaker.—*Journal*, 1, 51, p. 529.

On a vote by tellers it is not necessary that those actually voting between the tellers be a quorum, provided that a quorum be present in the Hall.—*Journal*, 1, 51, p. 243.

(See *Vote*.)

#### TERRITORIES, COMMITTEE ON.

(See *Committees*.)

#### TIE VOTE.

The Speaker shall not be required to vote in ordinary legislative proceedings, except where his vote would be decisive, or where the House is engaged in voting by ballot; and in all cases of a tie the question shall be lost.—Rule I, clause 6.



The Speaker is, therefore, never required to vote in case of a tie, as his vote would only be decisive in the event it be cast in the affirmative, his failure to vote being equally decisive as a vote in the negative.

#### TITLE.

*Amendments to the title of a bill or resolution shall not be in order until after its passage and shall be decided without debate.—Rule XIX.*

It is not in order to move an amendment to the title of a bill on a day succeeding its passage.—*Journal*, 2, 53, p. 132.

It was repeatedly held by Speaker Carlisle that the vote on adopting or amending the title was in order after the passage of a bill or resolution. Unless a separate vote is especially called for, however, the title as reported to the House is considered adopted upon the passage of the bill or resolution.

#### UNFINISHED BUSINESS.

*(See Business, Unfinished.)*

#### VENTILATION AND ACOUSTICS, COMMITTEE ON.

*(See Committees.)*

#### VETO.

Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States. If he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House, respectively. If any bill shall not be returned by the President within ten days

(Sunday excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.—*Const.*, 1, 7, 2, 6.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.—*Const.*, 1, 7, 3, 6.

Whenever a bill is returned to the House with the objections of the President, it is usual to have the message containing his objections *immediately* read (*Journals*, 1, 28, pp. 1081, 1084; 1, 29, pp. 1209, 1214; 2, 33, pp. 397, 411; 1, 34, p. 1420), and for the House to proceed to the reconsideration of the bill or to postpone its consideration for a future day (*Journal*, 1, 21, p. 742), but not where less than a quorum is present (*Journals*, 1, 33, p. 1341; 3, 34, p. 1841). A veto message and a bill may be referred, or the message alone, and the bill may be laid on the table.—*Journal*, 2, 27, pp. 1253, 1254, 1256, 1257; *Globe*, 2, 27, p. 875.

It was held that the question of consideration can not be demanded against a bill returned to the House with the objections of the President.—*Journal*, 2, 53, p. 312. But if the message is received while the House is considering a question of the highest constitutional privilege, *e. g.*, a contested-election case, the reconsideration of the vetoed bill does not necessarily interrupt the pending privileged question.—*Journal*, 2, 53, p. 295.

A committee to whom a vetoed bill is referred may report the same for consideration at any time.

A motion to discharge a committee from the consideration of a vetoed bill presents a question of high privilege and is in order at any time.—*Record*, 1, 49, p. 7699.

A vote on the passage of a vetoed bill can not be reconsidered.—*Globe*, 1, 28, p. 672, 677; *Journal*, 1, 28, p. 1093–1098.

A motion to proceed to the consideration of a bill returned

with the objections of the President presents a privileged question under the Constitution.—*Globe*, 2, 27, p. 905; 2, 28, p. 396; *Journal*, 1, 49, p. 2397.

The main question in the consideration of a vetoed bill is, "Will the House on reconsideration agree to pass the bill?"—*Journals*, 2, 27, p. 1051; 1, 28, p. 1085; 1, 29, p. 1218.

The "two-thirds" by which a vetoed bill is required to be approved before it becomes a law has been construed in both Houses to mean "*two-thirds of the Members present*" (*Journal*, 1, 31, pp. 1176, 1178, 1420, and *Senate Journal*, 1, 34, p. 419), a bare majority constituting a quorum for such purpose as in cases of other legislation.

Whenever a bill, order, resolution, or vote is returned by the President with his objections, and on being reconsidered is agreed to be passed, and is approved by two-thirds of both Houses of Congress, and thereby becomes a law or takes effect, it shall be received by the Secretary of State from the President of the Senate, or Speaker of the House of Representatives, in whichsoever House it shall last have been approved, and he shall carefully preserve the originals.—*Laws*, 2, 43, p. 294.

(See *President of the United States*.)

#### VOTE.

*Every Member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented: and shall vote on each question put, unless he has a direct personal or pecuniary interest in the event of such question.*—Rule VIII, clause 1.

*He (the Speaker) shall rise to put a question, but may state it sitting; and shall put questions in this form, to wit: "As many as are in favor (as the question may be), say Aye;" and after the affirmative voice is expressed, "As many as are opposed, say No;" if he doubts, or a division is called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and then those in the negative; if he still doubts, or a count is required by at least one-fifth of a quorum, he shall name one from each side of the question, to tell the Members in the affirmative and negative; which being reported, he shall rise and state the decision.*—Rule I, clause 5.

*In all cases of a tie vote the question shall be lost.*—Rule I. clause 6.

Officers of the House are required by Rule II to be elected by a *viva voce* vote.

If any difficulty arises in point of order during the division, the Speaker is to decide peremptorily, subject to the future censure of the House if irregular.—*Manual*, p. 176.

#### METHODS OF TAKING.

There are four methods of taking a vote in the House, commencing with the inferior and ending with the highest and conclusive test, as follows:

First, by the sound.

Second, by division (on which those in favor and those opposed to the proposition successively rise and are counted by the Speaker).

Third, by tellers (which is similar to the division in Parliament); and

Fourth, by yeas and nays.

Upon a sufficient demand each of the four methods may be successively resorted to upon any question.

The requisite number, however, failing to express a demand for the superior method, it is then too late to demand the inferior, provided the Speaker has stated the apparent result. If the Speaker has not announced what seems to be the result, or if the vote has not been completely taken by the inferior method, such as by the sound or by a division, he may again take the vote in one of those modes, notwithstanding the yeas and nays and tellers have been refused.

What might be called the fifth method of voting is where the Speaker announces that without objection an order will be made, or resolution agreed to: there being none, the proposition is as completely carried as if the vote were formally taken.

After a vote taken upon a division tellers were demanded and refused. Held that it was then too late to make the point of no quorum.—*Journal*, 2, 52, p. 53.

A vote having been taken upon a division and the yeas and nays having been demanded and refused, it was held that the right to make the point of no quorum voting was thereby waived.—*Journal*, 2, 52, p. 54; 1, 53, p. 30.

## METHODS OF TAKING—Continued.

There is also a provision in the ballot, but such method has practical officers of the House being elected being appointed by the Speaker, in ballot, as formerly.

Where the vote as announced by voting and a motion to adjourn or interjected and voted down, it is carried by tellers on the original question during the count of additional votes. Where the interruption, however, is such as would thereby result, it would be at the discretion of the Chair to permit to continue where it was left off, instead of ordering a new vote.

The yeas and nays of the Member voting on a question shall, at the desire of one Member, be entered on the Journal.—*Constitution*

The number respectively voting in the affirmative and negative are not entered in the Journal. The yeas and nays are taken by the yeas and nays.

A Member can not absolutely withdraw from the House. *Journal*, 2, 53, where he may change his vote before the decision is finally and conclusively pronounced. *Journal*, 20, pp. 377, 378, but not afterwards.

A recapitulation of a vote can not be ordered. *Journal*, 1, 51, p. 486.

It is not competent for a Member to move to amend so as to have the record of his vote changed. *Journal*, 1, 51, p. 486. It is not competent for a Member to move to amend so as to have the record of his vote changed. *Journal*, 1, 51, p. 486.

Where by an error of the Clerk in announcing the yeas and nays the Speaker announces a result different from that shown by the roll, the status of the Member is determined from the vote as actually recorded. *Journal*, 20, p. 377. If, however, by reason of an error of the Clerk, the Speaker announces that the House decides to adjourn, and the House does in fact accordingly disperse a

## RECORD OF—Continued.

vote as actually recorded shows a refusal to adjourn, the session of the House when it next meets will be considered not a continuation of the preceding session but as of a new legislative day.—*Record*, 2, 49, p. 314.

Although it is out of order, according to Rule XV, clause 1, to entertain a request to record a vote after the second roll call, the practice for many years has been where a Member states that he was in his seat listening and failed to hear his name, to permit his vote to be recorded if no objection is made thereto.—*Journal*, 1, 52, p. 115.

Objection was made to recording the vote of a Member as taken down by the Clerk: it being asserted on the one part that he was not in the hall during the roll call or when his name was called, and on the other that he was present during a portion of the roll call. The Speaker held that in the absence of the gentleman whose vote was in dispute, the vote as recorded by the Clerk must stand.—*Journal*, 1, 52, p. 115.

It is not competent for the Speaker to direct the name of a Member who has voted to be stricken from the roll of those voting. If a Member has voted without right, it is for the House, not the Chair, to determine whether his name shall be stricken from the roll.—*Journal*, 1, 52, p. 168.

(*See Tellers; Yeas and Nays.*)

## EXCUSE FROM VOTING.

The right to move that a Member be excused from voting does not apply to votes on motions to adjourn, to fix the day, or for a call of the House, since the exercise of the power of the House might be absolutely defeated by repetitions of the motion to excuse.—*Globe*, 1, 31, p. 376; *Journals*, 1, 31, p. 1538; 1, 33, pp. 757, 765, 854, 1243; 1, 35, p. 866; *Globe*, 1, 39, p. 945; *Record*, 1, 50, pp. 2710, 2711.

## WAR CLAIMS, COMMITTEE ON.

(*See Committees; Claims; Private Bills.*)

## WARRANTS, WRITS, ETC.

He (the Speaker) shall sign all acts, addresses, joint resolutions, writs, warrants, and subpoenas of, or issued by order of, the House. (*See Rule I, clause 4.*)

The Clerk shall attest and fix the seal of the House to all writs, warrants, and subpoenas issued by order of the House. (*See Rule III, clause 3.*)

The Sergeant-at-Arms shall execute the commands of the House, and all processes issued by authority thereof directed to him by the Speaker. (*See Rule IV, clause 1.*)

The form of the motion for a warrant for absent members is as follows:

“That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are absent without leave.”

This being a command of the House, an order and not a resolution is the appropriate proceeding.

(*See Call of the House.*)

#### WAYS AND MEANS, COMMITTEE ON.

This committee has leave to report at any time bills raising revenue.

The right to report at any time bills raising revenue pertains only to the Committee on Ways and Means.—*Journal*, 1, 49, p. 2293.

(*See Committees and Revenue Bills.*)

#### WEST POINT.

(*See Military Academy.*)

#### WITHDRAWAL OF MOTIONS.

A motion may be withdrawn at any time before a decision or amendment (*Rule XVI, clause 2*), but not after the previous question is ordered. It may, however, be withdrawn while the House is dividing on a demand for the previous question (*Journal*, 2, 29, p. 241); and all incidental questions fall with such withdrawal.—*Journal*, 1, 26, p. 57.

Motions withdrawn the day on which they are made are not required to be entered on the Journal. (*See Rule XVI, clause 1.*)

The motion to reconsider can not be withdrawn after the House has voted down a motion to lay the same on the table, such action being held to be a decision on the motion.—*Journal*, 2, 46, p. 844.

A motion in behalf of a committee to suspend the rules and pass a bill having been submitted but not seconded, and being undisposed of when the House adjourned, the same committee was permitted, when suspension of the rules was next in order, to withdraw the previous motion and in its stead to move to suspend the rules and pass another measure.—*Record*, 2, 51, p. 487.

It is not in order, except by unanimous consent, to withdraw an amendment proposed to a bill and pending when the previous question is ordered or becomes operative by virtue of a previous order of the House.—*Record*, 1, 51, p. 4061.

A motion can not be withdrawn after the yeas and nays have been ordered on agreeing to it.—*Journal*, 2, 53, p. 324.

An appeal can not be withdrawn after the yeas and nays have been ordered on a motion to lay such appeal on the table.—*Record*, 1, 51, p. 6353; *Journal*, 1, 51, p. 771.

(*See Motions.*)

#### WITNESSES.

*The rule for paying witnesses subpoenaed to appear before the House or either of its committees shall be as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of five cents each way; but nothing shall be paid for traveling when the witness has been summoned at the place of trial.*—Rule XXXIX.

Witnesses are summoned in pursuance and by virtue of the authority conferred upon a committee “to send for persons and papers.”—*Journal* 1, 35, pp. 88, 175.

The President of the Senate, the Speaker of the House of Representatives, or a Chairman of the Committee of the Whole, or of any committee of either House of Congress, is empowered to administer oaths to witnesses in any case under their examination.—*R. S.*, sec. 101.

Any Member of either House of Congress may administer oaths to witnesses in any matter depending in either House of Congress of which he is a Member, or any committee thereof.—*26 Stat. L.*, p. 60.

By the act of May 3, 1876 (*Sess. Laws*, 1, 44, p. 44), witnesses



residing in the District of Columbia summoned to give testimony before any committee of the House of Representatives shall not be allowed exceeding \$2 for each day's attendance before said committee.

(*See Warrants. Writs, etc.*)

Every person who, having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars nor less than one hundred dollars, and imprisonment in a common jail for not less than one month nor more than twelve months.—*R. S., sec. 102.*

No witness is privileged to refuse to testify to any fact or to produce any paper respecting which he shall be examined by either House of Congress, or by any committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous.—*R. S., sec. 103.*

No testimony given by a witness before either House, or before any committee of either House of Congress, shall be used as evidence in any criminal proceeding against him in any court, except in a prosecution for perjury committed in giving such testimony. But an official paper or record produced by him is not within the said privilege.—*R. S., sec. 859.*

Whenever a witness, summoned as mentioned in section one hundred and two, fails to testify, and the facts are reported to either House, the President of the Senate or the Speaker of the House, as the case may be, shall certify the fact under the seal of the Senate or House to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.—*R. S., sec. 104.*

In one case where a witness refused to answer a question propounded to him by a select committee, it was ordered and adjudged by the House that he be committed to the common jail of the District of Columbia, to be kept in close custody until he should signify his willingness to purge himself of

contempt.—*Journal 1, 35, pp. 387 to 389.* And after having been so imprisoned for more than three months, he was, by the further order of the House, on the 22d of March, released from jail and delivered over to the marshal of the said District to answer a presentment against him in the United States criminal court therein.—*Journal, 1, 35, pp. 535 to 539.*

A witness having refused to answer a question during an examination by an investigating committee of the House was committed to the custody of the Sergeant-at-Arms, and, persisting in the refusal, was confined in the District jail. The imprisonment was afterwards decided by the courts to have been illegal on the ground that neither House of Congress is vested by the Constitution with the power to punish for contempt a person not a member of such House, and a verdict was obtained for a large sum in damages in a suit by the witness against the Sergeant-at-Arms. (*See proceedings in case of Hallet Kilbourn, first session Forty-fourth Congress; also case of Kilbourn v. Thompson, United States Supreme Court Reports, vol. 103, p. 168.*)

At the second session of the Fifty-third Congress, certain witnesses who had been duly summoned and who testified before an investigating committee of the Senate, having refused to answer questions deemed by the committee to be pertinent to the subject under investigation, the committee reported that said witnesses were in contempt of the Senate; and also that the said witnesses had violated the provisions of sections 102 and 103 of the Revised Statutes. This report was made to the end that the President of the Senate might certify said failure to testify and refusal to answer, and all the facts, under seal of the Senate, to the United States district attorney for the District of Columbia, in order that said witnesses might be proceeded against as provided by law. (*See Senate Report 606, Fifty-third Congress, August 2, 1894.*) The facts so reported were accordingly, without further action by the Senate, certified by the Vice-President to the district attorney, and proceedings thereupon instituted to punish the recusant witnesses, pursuant to R. S., section 104.

One of the cases was tried in the District court and the defendant found guilty, and sentenced to pay a fine and to

serve a period of time in jail. The case is now pending on an appeal in the Court of Appeals, District of Columbia. The validity and constitutionality of R. S., section 102, was, on January 7, 1895, sustained by the District court of appeals, upon an appeal from an order of the supreme court of the District in the above-mentioned proceedings.

### YEAS AND NAYS.

*Upon every roll call the names of the Members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the State shall be added; and if there be two such Members from the same State, the whole name shall be called; and after the roll has been once called, the clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair unless the Member's name has been noted under clause 3 of this rule.—Rule X, clause 1.*

“The yeas and nays of the Members of either House on an question shall, at the desire of one-fifth of those present, be entered on the Journal.”—*Const.*, 1, 5, 3, 5. And “in all such cases” (reconsideration of vetoed bills) “the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House respectively.”—*Const.*, 1, 7, 2, 6.

“One-fifth of those present” is construed to mean one-fifth of the last vote; but if a count of the *other* side—i. e., those opposed to the yeas and nays—be called for, then *one-fifth of those who vote* on the question of ordering the yeas and nays constitute the number required to order them. (See *Record*, 1, 49, p. 176; *Journals*, 1, 45, p. 290; 2, 50, p. 204; 1, 51, p. 903.)

A quorum is not required to vote on the question of ordering the yeas and nays, nor on the question of reconsidering the vote by which the yeas and nays have been ordered or refused.—*Record*, 1, 50, p. 7546.

Ordering the yeas and nays is a proceeding by which the method of taking a vote is determined, and is not the transaction of business.—*Journal*, 2, 50, p. 204.

After the yeas and nays are ordered and a Member has answered to his name the roll call must progress without debate.—*Globe*, 1, 31, p. 1686; *Journal*, 1, 47, pp. 597–641.

**MAY BE DEMANDED, WHEN.**

The yeas and nays may be called for while a vote on a division or by tellers is being taken (*Globe*, 2, 28, p. 121), or while the Speaker is announcing the result of such vote (*Globe*, 1, 29, p. 420), or even after the announcement, and before passing to any other business (*Globe*, 1, 31, p. 277); but not after the result is announced, if delayed until the Speaker shall be in the act of putting another question.—*Journal*, 1, 32, p. 254.

The yeas and nays may be demanded on questions arising during a call of the House in like manner as on other occasions.—*Journal*, 1, 46, p. 376.

Whenever on any question a quorum fails to vote, either by the Speaker's count or by tellers, a demand for the yeas and nays takes precedence over a motion for a call of the House.—*Journal*, 3, 46, p. 596.

The yeas and nays can not be taken on any question in Committee of the Whole.—*Globe*, 1, 28, p. 618.

The yeas and nays can not be demanded on seconding the motion to suspend the rules, the vote on seconding the motion being required to be taken by tellers, and the question of suspending the rules not being in fact before the House until seconded by a majority as counted by tellers. (*See Rule XXVIII, clause 2.*)

**RECORD OF.**

A Member has the right to change his vote before the decision of the question has been finally and conclusively pronounced by the Chair (*Journal*, 2, 20, pp. 357, 358), but not afterwards.

And it is not competent for a Member to have the Journal amended so as to have the record of his vote changed upon a representation that such vote, though recorded as given, was given under a misapprehension.—*Journals*, 2, 8, p. 167; 2, 27, p. 263.

The rule does not require either that the names of absentees or Members not voting shall be entered on the Journal or read to the House.—*Journal*, 1, 51, p. 1028.

**RECORD OF—Continued.**

A Member has a right to have an erroneous record of his vote corrected after the announcement of the result of a vote.—*Journal*, 1, 38, pp. 586, 587.

Where by an error of the Clerk in reporting the vote by yeas and nays the Speaker announces a result different from that shown by the roll, the status of the question must be determined from the vote as actually recorded.—*Record*, 1, 49, p. 7546. If, however, by reason of such error the Speaker announces that the House decides to adjourn, and the House does in fact accordingly disperse and adjourn, although the vote as actually recorded shows a refusal to adjourn, the session of the House when it next meets will be considered not a continuation of the preceding session, but as of a new legislative day.—*Record*, 2, 49, p. 314.

**EFFECT OF ORDER FOR, OR REFUSAL TO ORDER.**

Where the yeas and nays are ordered and taken on a pending proposition and no quorum appears, the order of the House for the yeas and nays remains in force until reconsidered; and should the House adjourn without disposing of such pending question, it would come up after the reading of the Journal on the following day. But if the proposition on which the yeas and nays were ordered was being considered on a day assigned a committee (as, for instance, the Committee on the District of Columbia), it would go over as unfinished business and be first in order when such committee again had a day.—*Journals*, 1, 49, pp. 1566, 1885; 1, 51, p. 998.

A motion can not be withdrawn after the yeas and nays have been ordered on agreeing to it.—*Journal*, 2, 53, p. 324.

An appeal can not be withdrawn after the yeas and nays have been ordered on a motion to lay such appeal on the table.—*Record*, 1, 51, p. 6353.

It is not in order to demand the question of consideration against a proposition on which the yeas and nays have been ordered, even though an adjournment has intervened.—*Journal*, 1, 51, p. 941.

It is not in order to repeat a demand for the yeas and nays which has been once refused (*Globe*, 1, 29, p. 304; 2, 30, p. 623; *Journal*, 1, 33, p. 939) until such refusal is reconsidered.

EFFECT OF ORDER FOR, OR REFUSAL TO ORDER—Continued.

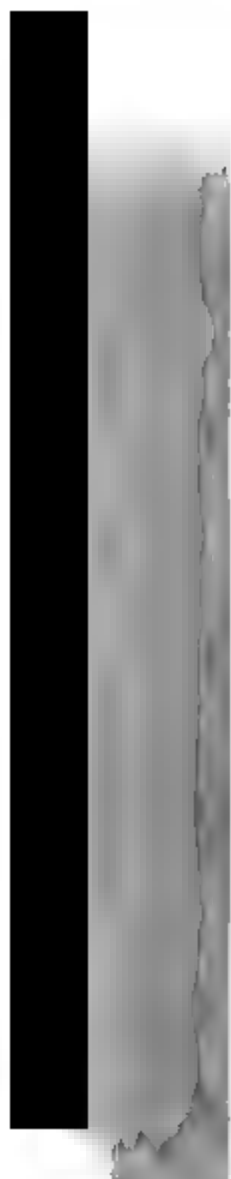
The right to make the point of no quorum voting was held to be waived by a demand for and a refusal of the yeas and nays.—*Journal*, 2, 52, p. 58; 1, 53, p. 30.

An order of the yeas and nays (*Journal*, 1, 19, p. 796; 1, 30, p. 405), or a refusal of the yeas and nays (*Globe*, 2, 30, p. 623), may be reconsidered.

Where a motion to reconsider a vote by which the yeas and nays have been ordered prevails, the question *immediately* recurs on ordering the yeas and nays, when, if again ordered by one-fifth of the Members voting, a further motion to reconsider would not be in order.—*Journal*, 1, 45, p. 290.

(*See Vote.*)

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**OFFICERS OF THE HOUSE,  
FIFTY-FOURTH CONGRESS.**

---

*Speaker,*  
**THOMAS B. REED, of Maine.**

*Clerk,*  
**ALEXANDER MCDOWELL, of Pennsylvania.**

*Sergeant-at-Arms,*  
**BENJAMIN F. RUSSELL, of Missouri.**

*Doorkeeper,*  
**WILLIAM J. GLENN, of New York.**

*Postmaster,*  
**JOSEPH C. MCELROY, of Ohio.**

*Chaplain,*  
**Rev. HENRY N. COUDEN, of Michigan.**



**LIST OF MEMBERS AND DELEGATES**  
**OF THE**  
**HOUSE OF REPRESENTATIVES,**  
**FIFTY-FOURTH CONGRESS.**

---

**ALABAMA.**

- |                          |                       |
|--------------------------|-----------------------|
| 1. Richard H. Clarke.    | 6. John H. Bankhead.  |
| 2. Jesse F. Stallings.   | 7. Milford W. Howard. |
| 3. George P. Harrison.   | 8. Joseph Wheeler.    |
| 4. William F. Aldrich. * | 9. Truman H. Aldrich. |
| 5. Albert T. Goodwyn. †  |                       |

**ARKANSAS.**

- |                         |                      |
|-------------------------|----------------------|
| 1. Philip D. McCulloch. | 4. William L. Terry. |
| 2. John S. Little.      | 5. Hugh A. Dinsmore. |
| 3. Thomas C. McRae.     | 6. Robert Neill.     |

**CALIFORNIA.**

- |                       |                       |
|-----------------------|-----------------------|
| 1. John A. Barham.    | 5. Eugene F. Loud.    |
| 2. Grove L. Johnson.  | 6. James McLachlan.   |
| 3. Samuel G. Hilborn. | 7. William W. Bowers. |
| 4. James G. Maguire.  |                       |

**COLORADO.**

- |                      |                  |
|----------------------|------------------|
| 1. John F. Shafroth. | 2. John C. Bell. |
|----------------------|------------------|

**CONNECTICUT.**

- |                        |                        |
|------------------------|------------------------|
| 1. E. Stevens Henry.   | 3. Charles A. Russell. |
| 2. Nehemiah D. Sperry. | 4. Ebenezer J. Hill.   |

**DELAWARE.**

Jonathan S. Willis.

**FLORIDA.**

- |                         |                       |
|-------------------------|-----------------------|
| 1. Stephen M. Sparkman. | 2. Charles M. Cooper. |
|-------------------------|-----------------------|

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\* Gaston A. Robbins, unseated March 13, 1896.

† James E. Cobb, unseated April 21, 1896.

## GEORGIA.

- |                            |                        |
|----------------------------|------------------------|
| 1. Rufus E. Lester.        | 7. John W. Maddox.     |
| 2. Benjamin E. Russell.    | 8. Thomas G. Lawson.   |
| 3. Charles R. Crisp. *     | 9. Farish Carter Tate. |
| 4. Charles L. Moses.       | 10. James C. C. Black. |
| 5. Leonidas F. Livingston. | 11. Henry G. Turner.   |
| 6. Charles L. Bartlett.    |                        |

## IDAHO.

Edgar Wilson.

## ILLINOIS.

- |                         |                        |
|-------------------------|------------------------|
| 1. J. Frank Aldrich.    | 12. Joseph G. Cannon.  |
| 2. William Lorimer.     | 13. Vespasian Warner.  |
| 3. Hugh R. Belknap. †   | 14. Joseph V. Graff.   |
| 4. Charles W. Woodman.  | 15. Benjamin F. Marsh. |
| 5. George E. White.     | 16. John I. Rinaker. § |
| 6. Edward D. Cooke.     | 17. James A. Connolly. |
| 7. George E. Foss.      | 18. W. F. L. Hadley.   |
| 8. Albert J. Hopkins.   | 19. Benson Wood.       |
| 9. Robert R. Hitt.      | 20. Orlando Burrell.   |
| 10. George W. Prince. † | 21. Everett J. Murphy. |
| 11. Walter Reeves.      | 22. George W. Smith.   |

## INDIANA.

- |                         |                       |
|-------------------------|-----------------------|
| 1. James A. Hemenway.   | 8. George W. Faris.   |
| 2. Alexander M. Hardy.  | 9. J. Frank Hanly.    |
| 3. Robert J. Tracewell. | 10. Jethro A. Hatch.  |
| 4. James E. Watson.     | 11. George W. Steele. |
| 5. Jesse Overstreet.    | 12. J. D. Leighty.    |
| 6. Henry U. Johnson.    | 13. Lemuel W. Royse.  |
| 7. Charles L. Henry.    |                       |

## IOWA.

- |                        |                           |
|------------------------|---------------------------|
| 1. Samuel M. Clark.    | 7. John A. T. Hull.       |
| 2. George M. Curtis.   | 8. William P. Hepburn.    |
| 3. David B. Henderson. | 9. Alva L. Hager.         |
| 4. Thomas Updegraff.   | 10. Jonathan P. Dolliver. |
| 5. Robert G. Cousins.  | 11. George D. Perkins.    |
| 6. John F. Lacey.      |                           |

## KANSAS.

*At large.*

Richard W. Blue.

- |                       |                           |
|-----------------------|---------------------------|
| 1. Case Broderick.    | 5. William A. Calderhead. |
| 2. Orrin L. Miller.   | 6. William Baker.         |
| 3. S. S. Kirkpatrick. | 7. Chester I. Long.       |
| 4. Charles Curtis.    |                           |

\* Succeeded Charles F. Crisp, died October 23, 1896.

† Succeeded Lawrence E. McGann, unseated December 27, 1895.

‡ Succeeded Philip S. Post, died January 6, 1895.

§ Succeeded Finis E. Downing, unseated June 5, 1896.

|| Succeeded T. Remann, died July 14, 1895.

## KENTUCKY.

- |                       |                        |
|-----------------------|------------------------|
| 1. John K. Hendrick.  | 7. William C. Owens.   |
| 2. John D. Clardy.    | 8. James B. McCreary.  |
| 3. W. Godfrey Hunter. | 9. Samuel J. Pugh.     |
| 4. John W. Lewis.     | 10. Joseph M. Kendall. |
| 5. Walter Evans.      | 11. David G. Colson.   |
| 6. Albert S. Berry.   |                        |

## LOUISIANA.

- |                     |                         |
|---------------------|-------------------------|
| 1. Adolph Meyer.    | 4. Henry W. Ogden.      |
| 2. Charles F. Buck. | 5. Charles J. Boatner.* |
| 3. Andrew Price.    | 6. Samuel M. Robertson. |

## MAINE.

- |                        |                         |
|------------------------|-------------------------|
| 1. Thomas B. Reed.     | 3. Seth L. Milliken.    |
| 2. Nelson Dingley, jr. | 4. Charles A. Boutelle. |

## MARYLAND.

- |                       |                          |
|-----------------------|--------------------------|
| 1. Joshua W. Miles.   | 4. John K. Cowen.        |
| 2. William B. Baker.  | 5. Charles E. Coffin.    |
| 3. Harry Welles Rusk. | 6. George L. Wellington. |

## MASSACHUSETTS.

- |                          |                         |
|--------------------------|-------------------------|
| 1. Ashley B. Wright.     | 8. Samuel W. McCall.    |
| 2. Frederick H. Gillett. | 9. John F. Fitzgerald.  |
| 3. Joseph Henry Walker.  | 10. Harrison H. Atwood. |
| 4. Lewis Dewart Apsley.  | 11. William F. Draper.  |
| 5. William S. Knox.      | 12. Elijah A. Morse.    |
| 6. William H. Moody. †   | 13. John Simpkins.      |
| 7. William E. Barrett.   |                         |

## MICHIGAN.

- |                         |                           |
|-------------------------|---------------------------|
| 1. John B. Corliss.     | 7. Horace G. Snover.      |
| 2. George Spalding.     | 8. William S. Linton.     |
| 3. Alfred Milnes. ‡     | 9. Roswell P. Bishop.     |
| 4. Henry F. Thomas.     | 10. Rosseau O. Crump.     |
| 5. William Alden Smith. | 11. John Avery.           |
| 6. David T. Aitken.     | 12. Samuel M. Stephenson. |

## MINNESOTA.

- |                       |                      |
|-----------------------|----------------------|
| 1. James A. Tawney.   | 5. Loren Fletcher.   |
| 2. James T. McCleary. | 6. Charles A. Towne. |
| 3. Joel P. Heatwole.  | 7. Frank M. Eddy.    |
| 4. Andrew R. Kiefer.  |                      |

## MISSISSIPPI.

- |                         |                      |
|-------------------------|----------------------|
| 1. John M. Allen.       | 5. John S. Williams. |
| 2. John C. Kyle.        | 6. Walter M. Denny.  |
| 3. Thomas C. Catchings. | 7. James G. Spencer. |
| 4. Hernando D. Money.   |                      |

---

\* Unseated March 20, 1896. Elected and took his seat December 10, 1896.

† Succeeded William Cogswell, died May 22, 1895.

‡ Succeeded Julius C. Burrows, resigned January 23, 1895.



## MISSOURI.

- |                          |                        |
|--------------------------|------------------------|
| 1. Charles N. Clark.     | 9. William M. Treloar. |
| 2. Uriel S. Hall.        | 10. Richard Bartholdt. |
| 3. Alexander M. Dockery. | 11. Charles F. Joy.    |
| 4. George C. Crowther.   | 12. Seth W. Cobb.      |
| 5. Robert T. Van Horn.*  | 13. John H. Raney.     |
| 6. David A. De Armond.   | 14. Norman A. Mozley.  |
| 7. John P. Tracey.       | 15. Charles G. Burton. |
| 8. Joel D. Hubbard.      |                        |

## MONTANA.

Charles S. Hartman.

## NEBRASKA.

- |                          |                        |
|--------------------------|------------------------|
| 1. Jesse B. Strode.      | 4. Eugene J. Hainer.   |
| 2. David H. Mercer.      | 5. William E. Andrews. |
| 3. George D. Meiklejohn. | 6. Omer M. Kem.        |

## NEVADA.

Francis G. Newlands.

## NEW HAMPSHIRE.

- |                       |                    |
|-----------------------|--------------------|
| 1. Cyrus A. Sulloway. | 2. Henry M. Baker. |
|-----------------------|--------------------|

## NEW JERSEY.

- |                           |                           |
|---------------------------|---------------------------|
| 1. Henry C. Loudenslager. | 5. James F. Stewart.      |
| 2. John J. Gardner.       | 6. Richard Wayne Parker.  |
| 3. Benjamin F. Howell.    | 7. Thomas McEwan, jr.     |
| 4. Mahlon Pitney.         | 8. Charles Newell Fowler. |

## NEW YORK.

- |                            |                            |
|----------------------------|----------------------------|
| 1. Richard C. McCormick.   | 18. Jacob Lefever.         |
| 2. Denis M. Hurley.        | 19. Vacant. §              |
| 3. Francis H. Wilson.      | 20. George N. Southwick.   |
| 4. Israel F. Fischer.      | 21. David F. Wilber.       |
| 5. Charles G. Bennett.     | 22. Newton Martin Curtis.  |
| 6. James R. Howe.          | 23. Wallace T. Foote, jr.  |
| 7. Franklin Bartlett.      | 24. Charles A. Chickering. |
| 8. John Murray Mitchell. † | 25. James S. Sherman.      |
| 9. Henry C. Miner.         | 26. George W. Ray.         |
| 10. Amos J. Cummings. †    | 27. Theodore L. Poole.     |
| 11. William Sulzer.        | 28. Sereno E. Payne.       |
| 12. George B. McClellan.   | 29. Charles W. Gillet.     |
| 13. Richard C. Shannon.    | 30. James W. Wadsworth.    |
| 14. Lemuel E. Quigg.       | 31. Henry C. Brewster.     |
| 15. Philip B. Low.         | 32. Rowland B. Mahany.     |
| 16. Ben L. Fairchild.      | 33. Charles Daniels.       |
| 17. Benjamin B. Odell, jr. | 34. Warren B. Hooker.      |

\* Succeeded John C. Tarsney, unseated February 27, 1896.

† Succeeded James J. Walsh, unseated June 2, 1896.

‡ Succeeded Andrew J. Campbell, died December 6, 1894.

§ Frank S. Black resigned.

## NORTH CAROLINA.

- |                       |                        |
|-----------------------|------------------------|
| 1. Harry Skinner.     | 6. Charles H. Martin.* |
| 2. Fred A. Woodard.   | 7. Alonzo C. Shuford.  |
| 3. John G. Shaw.      | 8. Romulus Z. Linney.  |
| 4. William F. Strowd. | 9. Richmond Pearson.   |
| 5. Thomas Settle.     |                        |

## NORTH DAKOTA.

Martin N. Johnson.

## OHIO.

- |                            |                           |
|----------------------------|---------------------------|
| 1. Charles P. Taft.        | 12. David K. Watson.      |
| 2. Jacob H. Bromwell.      | 13. Stephen R. Harris.    |
| 3. Paul J. Sorg.           | 14. Winfield S. Kerr.     |
| 4. Fernando C. Layton.     | 15. Henry C. Van Voorhis. |
| 5. Francis B. De Witt.     | 16. Lorenzo Danford.      |
| 6. George W. Hulick.       | 17. Addison S. McClure.   |
| 7. George W. Wilson.       | 18. Robert W. Tayler.     |
| 8. Luther M. Strong.       | 19. Stephen A. Northway.  |
| 9. James Harding Southard. | 20. Clifton B. Beach.     |
| 10. Lucien J. Fenton.      | 21. Theodore E. Burton.   |
| 11. Charles H. Grosvenor.  |                           |

## OREGON.

- |                    |                      |
|--------------------|----------------------|
| 1. Binger Hermann. | 2. William R. Ellis. |
|--------------------|----------------------|

## PENNSYLVANIA.

*At large.*Galusha A. Grow.  
George F. Huff.

- |                           |                           |
|---------------------------|---------------------------|
| 1. Henry H. Bingham.      | 15. James H. Coddington.† |
| 2. Robert Adams, jr.      | 16. Fred C. Leonard.      |
| 3. Frederick Halterman.   | 17. Monroe H. Kulp.       |
| 4. John E. Reyburn.       | 18. Thaddeus M. Mahon.    |
| 5. Alfred C. Harmer.      | 19. James A. Stahle.      |
| 6. John B. Robinson.      | 20. Josiah D. Hicks.      |
| 7. Irving P. Wanger.      | 21. Daniel B. Heiner.     |
| 8. Joseph J. Hart.        | 22. John Dalzell.         |
| 9. Constantine J. Erdman. | 23. William A. Stone.     |
| 10. Marriott Brosius.     | 24. Ernest F. Acheson.    |
| 11. Joseph A. Scranton.   | 25. Thomas W. Phillips.   |
| 12. John Leisenring.      | 26. Matthew Griswold.     |
| 13. Charles N. Brumm.     | 27. Charles W. Stone.     |
| 14. Ephraim M. Woomer.    | 28. William C. Arnold.    |

## RHODE ISLAND.

- |                   |                      |
|-------------------|----------------------|
| 1. Melville Bull. | 2. Warren O. Arnold. |
|-------------------|----------------------|

\* Succeeded James A. Lockhart, unseated June 5, 1896.

† Succeeded Myron B. Wright, died November 13, 1894.

## SOUTH CAROLINA.

- |                       |                        |
|-----------------------|------------------------|
| 1. George W. Murray.* | 5. Thomas J. Strait.   |
| 2. W. Jasper Talbert. | 6. John L. McLaurin.   |
| 3. Asbury C. Latimer. | 7. J. William Stokes.† |
| 4. Stanyarne Wilson.  |                        |

## SOUTH DAKOTA.

*At large.*

- |                   |                  |
|-------------------|------------------|
| Robert J. Gamble. | John A. Pickler. |
|-------------------|------------------|

## TENNESSEE.

- |                         |                          |
|-------------------------|--------------------------|
| 1. W. C. Anderson.      | 6. Joseph E. Washington. |
| 2. Henry R. Gibson.     | 7. Nicholas N. Cox.      |
| 3. Foster V. Brown.     | 8. John E. McCall.       |
| 4. Benton McMillin.     | 9. James C. McDearmon.   |
| 5. James D. Richardson. | 10. Josiah Patterson.    |

## TEXAS.

- |                         |                           |
|-------------------------|---------------------------|
| 1. Joseph C. Hutcheson. | 8. Charles K. Bell.       |
| 2. Samuel B. Cooper.    | 9. Joseph D. Sayers.      |
| 3. Charles H. Yoakum.   | 10. Miles Crowley.        |
| 4. David B. Culberson.  | 11. Rudolph Kleberg.‡     |
| 5. Joseph W. Bailey.    | 12. George H. Noonan.     |
| 6. Jo Abbott.           | 13. Jeremiah V. Cockrell. |
| 7. George C. Pendleton. |                           |

## UTAH.

Clarence E. Allen.

## VERMONT.

- |                     |                      |
|---------------------|----------------------|
| 1. H. Henry Powers. | 2. William W. Grout. |
|---------------------|----------------------|

## VIRGINIA.

- |                       |                              |
|-----------------------|------------------------------|
| 1. William A. Jones.  | 6. Peter J. Otey.            |
| 2. D. Gardiner Tyler. | 7. Smith S. Turner.          |
| 3. Tazewell Ellett.   | 8. Elisha E. Meredith.       |
| 4. R. T. Thorp.§      | 9. James A. Walker.          |
| 5. Claude A. Swanson. | 10. Henry St. George Tucker. |

## WASHINGTON.

*At large.*

- |                 |                       |
|-----------------|-----------------------|
| Samuel C. Hyde. | William H. Doolittle. |
|-----------------|-----------------------|

## WEST VIRGINIA.

- |                          |                     |
|--------------------------|---------------------|
| 1. Blackburn B. Dovener. | 3. James H. Huling. |
| 2. Alston G. Dayton.     | 4. Warren Miller.   |

\* Succeeded William Elliott, unseated June 4, 1896.

† Unseated June 1, 1896. Elected and took his seat December 7, 1896.

‡ Succeeded William H. Crain, died February 10, 1896.

§ Succeeded William R. McKenney, unseated May 2, 1896.

**LIST OF MEMBERS AND DELEGATES.**

**589**

**WISCONSIN.**

**Henry A. Cooper.  
Edward Sauerhering.  
Joseph W. Babcock.  
Leobold Otjen.  
Samuel S. Barney.**

**6. Samuel A. Cook.  
7. Michael Griffin.  
8. Edward S. Minor.  
9. Alexander Stewart.  
10. John J. Jenkins.**

**WYOMING.**

**Frank W. Mondell.**

**DELEGATES.**

**ARIZONA.**

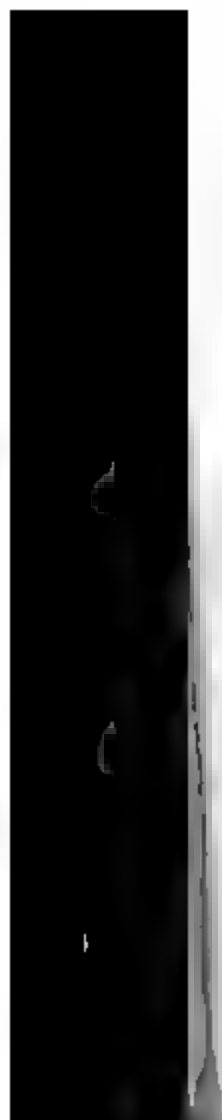
**Nathan O. Murphy.**

**NEW MEXICO.**

**Thomas B. Catron.**

**OKLAHOMA.**

**Dennis T. Flynn.**



# LIST OF MEMBERS

(At commencement of second session Fifty-fourth Congress)

AND

## PERIOD OF CONGRESSIONAL SERVICE.

### LONGEST SERVICE.

**ALFRED C. HARMER, of Pennsylvania, twelve terms.**

Name.	State.	Congress.
Abbott, Jo.....	Texas .....	50, 51, 52, 53, 54.
Acheson, Ernest F.....	Pennsylvania.....	54.
Adams, Robert, jr.....	Pennsylvania.....	53, 54.
Aitken, David D.....	Michigan .....	53, 54.
Aldrich, J. Frank.....	Illinois .....	53, 54.
Aldrich, Truman H.....	Alabama.....	54.
Aldrich, William F.....	Alabama.....	54.
Allen, John M.....	Mississippi.....	49, 50, 51, 52, 53, 54.
Allen, Clarence E.....	Utah.....	54.
Anderson, William C.....	Tennessee .....	54.
Andrews, William E.....	Nebraska.....	54.
Apsley, Lewis Dewart.....	Massachusetts.....	53, 54.
Arnold, Warren O.....	Rhode Island.....	50, 51, 54.
Arnold, William C.....	Pennsylvania.....	54.
Atwood, Harrison H.....	Massachusetts.....	54.
Avery, John.....	Michigan .....	53, 54.
Babcock, Joseph W.....	Wisconsin.....	53, 54.
Bailey, Joseph W.....	Texas .....	52, 53, 54.
Baker, Henry M.....	New Hampshire.....	53, 54.
Baker, William.....	Kansas .....	52, 53, 54.
Baker, William B.....	Maryland.....	54.
Bankhead, John H.....	Alabama.....	50, 51, 52, 53, 54.
Barham, John A.....	California.....	54.
Barney, Samuel S.....	Wisconsin .....	54.
Barrett, William E.....	Massachusetts.....	54.
Bartholdt, Richard .....	Missouri.....	53, 54.
Bartlett, Charles L.....	Georgia.....	54.

Name.	State.	Congress.
Bartlett, Franklin.....	New York.....	53, 54.
Beach, Clinton B.....	Ohio.....	54.
Belknap, Hugh R.....	Illinois.....	54.
Bell, Charles K.....	Texas.....	53, 54.
Bell, John C.....	Colorado.....	53, 54.
Bennett, Charles G.....	New York.....	54.
Berry, Albert B.....	Kentucky.....	53, 54.
Bingham, Henry H.....	Pennsylvania.....	46, 47, 48, 49, 50, 51, 52, 53, 54.
Blahop, Roswell P.....	Michigan.....	54.
Black, James C. C.....	Georgia.....	53, 54.
Blue, Richard W.....	Kansas.....	54.
Boatner Charles J.....	Louisiana.....	51, 52, 53, 54.
Boutelle, Charles A.....	Maine.....	48, 49, 50, 51, 52, 53, 54.
Bowers, William W.....	California.....	52, 53, 54.
Brewster, Henry C.....	New York.....	54.
Broderick, Cass.....	Kansas.....	52, 53, 54.
Bromwell, Jacob H.....	Ohio.....	53, 54.
Bronius, Marriott.....	Pennsylvania.....	51, 52, 53, 54.
Brown Foster.....	Tennessee.....	54.
Brumby, Charles N.....	Pennsylvania.....	47, 48, 49, 50, 54.
Buck, Charles F.....	Louisiana.....	54.
Bull, Melville.....	Rhode Island.....	54.
Burrell, Orlando.....	Illinois.....	54.
Burton, Charles G.....	Missouri.....	54.
Burton, Theodore E.....	Ohio.....	51, 54.
Calderhead William A.....	Kansas.....	54.
Cannon, Joseph G.....	Illinois.....	45, 46, 47, 48, 49, 50, 51, 52, 54.
Catclings, Thomas C.....	Mississippi.....	49, 50, 51, 52, 53, 54.
Catron, Thomas.....	New Mexico.....	54.
Chickering, Charles A.....	New York.....	53, 54.
Clardy, John D.....	Kentucky.....	54.
Clark, Charles N.....	Missouri.....	54.
Clark, Samuel M.....	Iowa.....	54.
Clarke, Richard H.....	Alabama.....	51, 52, 53, 54.
Cobb, Seth W.....	Missouri.....	52, 53, 54.
Cockrell, Jeremiah V.....	Texas.....	53, 54.
Codding, James H.....	Pennsylvania.....	54.
Coffin, Charles E.....	Maryland.....	53, 54.
Colson, David G.....	Kentucky.....	54.
Connolly James A.....	Illinois.....	54.
Cook Samuel A.....	Wisconsin.....	54.
Cooks, Edward D.....	Illinois.....	54.
Cooper, Charles M.....	Florida.....	53, 54.
Cooper, Henry A.....	Wisconsin.....	53, 54.

\* Delegate.

Name.	State.	Congress.
Cooper, Samuel B.....	Texas .....	53, 54.
Corliss, John B .....	Michigan.....	54.
Cousins, Robert G .....	Iowa .....	53, 54.
Cowen, John K .....	Maryland .....	54.
Cox, Nicholas N.....	Tennessee.....	52, 53, 54.
Crisp, Charles R.....	Georgia .....	54.
Crowley, Miles.....	Texas .....	54.
Crowther, George C.....	Missouri .....	54.
Crump, Rosseau O.....	Michigan.....	54.
Culberson, David B.....	Texas .....	44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54.
Cummings, Amos J.....	New York.....	50, 51, 52, 53, 54.
Curtis, Charles .....	Kansas .....	53, 54.
Curtis, George M .....	Iowa .....	54.
Curtis, Newton Martin.....	New York.....	52, 53, 54.
Dalzell, John .....	Pennsylvania .....	50, 51, 52, 53, 54.
Danford, Lorenzo .....	Ohio.....	43, 44, 45, 54.
Daniels, Charles .....	New York.....	53, 54.
Dayton, Alston G .....	West Virginia.....	54.
De Armond, David A.....	Missouri .....	52, 53, 54.
Denny, Walter M.....	Mississippi.....	54.
De Witt, Francis B.....	Ohio.....	54.
Dingley, Nelson, jr.....	Maine.....	47, 48, 49, 50, 51, 52, 53, 54.
Dinsmore, Hugh A .....	Arkansas .....	53, 54.
Dockery, Alexander M .....	Missouri .....	48, 49, 50, 51, 52, 53, 54.
Dollivar, Jonathan P .....	Iowa .....	51, 52, 53, 54.
Doolittle, William H.....	Washington.....	53, 54.
Dovener, Blackburn B.....	West Virginia.....	54.
Draper, William F.....	Massachusetts .....	53, 54.
Eddy, Frank M.....	Minnesota.....	54.
Ellett, Tazewell .....	Virginia.....	54.
Ellis, William R .....	Oregon .....	53, 54.
Erdman, Constantine J .....	Pennsylvania .....	53, 54.
Evans, Walter .....	Kentucky .....	54.
Fairchild, Ben L.....	New York.....	54.
Faris, George W.....	Indiana .....	54.
Fenton, Lucien J .....	Ohio.....	54.
Fischer, Israel F .....	New York.....	54.
Fitzgerald, John F.....	Massachusetts .....	54.
Fletcher, Loren.....	Minnesota.....	53, 54.
Flynn, Dennis T * .....	Oklahoma .....	53, 54.
Foote, Wallace T., jr.....	New York.....	54.
Foss, George E .....	Illinois .....	54.
Fowler, Charles Newell.....	New Jersey .....	54.

\* Delegate.



# 594 LIST OF MEMBERS AND PERIOD OF SERVICE.

Name.	State.	Congress.
Gamble, Robert J.....	South Dakota . . . . .	54.
Gardner, John J.....	New Jersey.....	53, 54.
Gibson, Henry R.....	Tennessee.....	54.
Gillet, Charles W.....	New York.....	53, 54.
Gillett, Frederick H.....	Massachusetts.....	53, 54.
Goodwyn, Albert T.....	Alabama.....	54.
Graff, Joseph V.....	Illinois.....	54.
Griffin, Michael.....	Wisconsin.....	53, 54.
Griswold, Matthew.....	Pennsylvania.....	52, 54.
Grosvenor, Charles H.....	Ohio.....	49, 50, 51, 53, 54.
Grout, William W.....	Vermont.....	47, 49, 50, 51, 52, 53, 54.
Grow, Galusha A.....	Pennsylvania.....	32, 33, 34, 35, 36, 37, 53, 54.
Hadley, W. F. L.....	Illinois.....	54.
Hager, Alva L.....	Iowa.....	53, 54.
Hainer, Eugene J.....	Nebraska.....	53, 54.
Hall, Uriel S.....	Missouri.....	53, 54.
Halterman, Frederick.....	Pennsylvania.....	54.
Hanly, J. Frank.....	Indiana.....	54.
Hardy, Alexander M.....	do.....	54.
Harner, Alfred C.....	Pennsylvania.....	42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54.
Harris, Stephen R.....	Ohio.....	54.
Harrison, George P.....	Alabama.....	53, 54.
Hart, Joseph J.....	Pennsylvania.....	54.
Hartman, Charles S.....	Montana.....	53, 54.
Hatch, Jethro A.....	Indiana.....	54.
Heatwole, Joel P.....	Minnesota.....	54.
Heiner, Daniel B.....	Pennsylvania.....	53, 54.
Hemenway, James A.....	Indiana.....	54.
Henderson, David B.....	Iowa.....	48, 49, 50, 51, 52, 53, 54.
Hendrick, John K.....	Kentucky.....	54.
Henry, Charles L.....	Indiana.....	54.
Henry, E. Stevens.....	Connecticut.....	54.
Hepburn, William P.....	Iowa.....	47, 48, 49, 53, 54.
Hermann, Binger.....	Oregon.....	49, 50, 51, 52, 53, 54.
Hicks, Josiah D.....	Pennsylvania.....	53, 54.
Milborn, Samuel G.....	California.....	52, 53, 54.
Hill, Ebenezer J.....	Connecticut.....	54.
Hitt, Robert R.....	Illinois.....	47, 48, 49, 50, 51, 52, 53, 54.
Hooker, Warren B.....	New York.....	52, 53, 54.
Hopkins, Albert J.....	Illinois.....	49, 50, 51, 52, 53, 54.
Howard, Milford W.....	Alabama.....	54.
Howe, James R.....	New York.....	54.
Howell, Benjamin F.....	New Jersey.....	54.
Hubbard, Joel D.....	Missouri.....	54.
Huff, George F.....	Pennsylvania.....	52, 54.
Hulick, George W.....	Ohio.....	53, 54.
Huling, James H.....	West Virginia.....	54.
Hull, John A. T.....	Iowa.....	52, 53, 54.

# LIST OF MEMBERS AND PERIOD OF SERVICE.

595

Name.	State.	Congress.
W. Godfrey .....	Kentucky .....	50, 54.
Denis M .....	New York .....	54.
son, Joseph C. ....	Texas .....	53, 54.
amuel C .....	Washington .....	54.
A. John J .....	Wisconsin .....	54.
3, Grove L .....	California .....	54.
2, Henry U .....	Indiana .....	52, 53, 54.
2, Martin N .....	North Dakota .....	52, 53, 54.
William A .....	Virginia .....	52, 53, 54.
arles F .....	Missouri .....	53, 54.
mer M .....	Nebraska .....	52, 53, 54.
l, Joseph M .....	Kentucky .....	52, 54.
Finfield S .....	Ohio .....	54.
Andrew R .....	Minnesota .....	53, 54.
trick, S. S .....	Kansas .....	54.
g, Rudolph .....	Texas .....	54.
William S .....	Massachusetts .....	54.
Monroe H .....	Pennsylvania .....	54.
ohn C .....	Mississippi .....	52, 53, 54.
John F .....	Iowa .....	51, 53, 54.
r, Asbury C .....	South Carolina .....	53, 54.
1, Thomas G .....	Georgia .....	52, 53, 54.
Fernando C .....	Ohio .....	52, 53, 54.
7, Jacob .....	New York .....	53, 54.
7, J D .....	Indiana .....	54.
ing, John .....	Pennsylvania .....	54.
A. Fred C .....	do .....	54.
Rufus E .....	Georgia .....	51, 52, 53, 54.
John W .....	Kentucky .....	54.
Romulus Z .....	North Carolina .....	54.
William S .....	Michigan .....	53, 54.
ohn S .....	Arkansas .....	53, 54.
ston, Leonidas F .....	Georgia .....	52, 53, 54.
hester I .....	Kansas .....	54.
r, William .....	Illinois .....	54.
ugene F .....	California .....	52, 53, 54.
slager, Henry C .....	New Jersey .....	53, 54.
hillp B .....	New York .....	54.
1, John W .....	Georgia .....	53, 54.
8, James G .....	California .....	53, 54.
7, Rowland B .....	New York .....	54.
Thaddens M .....	Pennsylvania .....	53, 54.
Benjamin F .....	Illinois .....	45, 46, 47, 53, 54.
Charles H .....	North Carolina .....	54.
John E .....	Tennessee .....	54.
Samuel W .....	Massachusetts .....	53, 54.
ry, James T .....	Minnesota .....	53, 54.
lan, George B .....	New York .....	54.

Name.	State.	Congress.
McClure, Addison S .....	Ohio .....	47, 54.
McCormick, Richard C .....	New York .....	41, 42, 43, 54.
McCreary, James B. ....	Kentucky .....	49, 50, 51, 52, 53, 54.
McCulloch, Philip D .....	Arkansas .....	53, 54.
McDearmon, James C .....	Tennessee .....	53, 54.
McEwan, Thomas, jr .....	New Jersey .....	54.
McLachlan, James .....	California .....	54.
McLaurin, John L .....	South Carolina .....	52, 53, 54.
McMillin, Benton .....	Tennessee .....	46, 47, 48, 49, 50, 51, 52, 53, 54.
McRae, Thomas C .....	Arkansas .....	49, 50, 51, 52, 53, 54.
Meiklejohn, George D .....	Nebraska .....	53, 54.
Mercer, David H .....	.....do .....	53, 54.
Meredith, Elisha E .....	Virginia .....	52, 53, 54.
Meyer, Adolph .....	Louisiana .....	52, 53, 54.
Miles, Joshua W .....	Maryland .....	54.
Miller, Orrin L .....	Kansas .....	54.
Miller, Warren .....	West Virginia .....	54.
Milliken, Seth L .....	Maine .....	48, 49, 50, 51, 52, 53, 54.
Milnes, Alfred .....	Michigan .....	54.
Miner, Henry C .....	New York .....	54.
Minor, Edward S .....	Wisconsin .....	54.
Mitchell, John Murray .....	New York .....	54.
Mondell, Frank W .....	Wyoming .....	54.
Money, Hernando D .....	Mississippi .....	44, 45, 46, 47, 48, 53, 54.
Moody, William H .....	Massachusetts .....	54.
Morse, Elijah A .....	.....do .....	51, 52, 53, 54.
Moses, Charles L .....	Georgia .....	52, 53, 54.
Mozley, Norman A .....	Missouri .....	52, 53, 54.
Murphy, Everett J .....	Illinois .....	54.
Murphy, Nathan O.* .....	Arizona .....	54.
Murray, George W .....	South Carolina .....	53, 54.
Neill, Robert .....	Arkansas .....	53, 54.
Newlands, Francis G .....	Nevada .....	53, 54.
Noonan, George H .....	Texas .....	54.
Northway, Stephen A .....	Ohio .....	53, 54.
Odell, Benjamin B., jr .....	New York .....	54.
Ogden, Henry W .....	Louisiana .....	53, 54.
Otey, Peter J .....	Virginia .....	54.
Otjen, Theobald .....	Wisconsin .....	54.
Overstreet, Jesse .....	Indiana .....	54.
Owens, William C .....	Kentucky .....	54.
Parker, Richard Wayne .....	New Jersey .....	54.
Patterson, Josiah .....	Tennessee .....	52, 53, 54.
Payno, Sereno E .....	New York .....	48, 49, 51, 52, 53, 54.
Pearson, Richmond .....	North Carolina .....	54.
Pendleton, George C .....	Texas .....	53, 54.
Perkins, George D .....	Iowa .....	52, 53, 54.

\* Delegate.

# LIST OF MEMBERS AND PERIOD OF SERVICE.

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Name.	State.	Congress.
Thomas W. ....	Pennsylvania.....	53, 54.
John A. ....	South Dakota... .	51, 52, 53, 54.
Mahlon.....	New Jersey.....	54.
Theodore L. ....	New York... .	54.
H. Henry.....	Vermont ... .	52, 53, 54.
Andrew .....	Louisiana .....	51, 52, 53, 54.
George W. ....	Illinois .....	54.
Samuel J. ....	Kentucky .....	54.
Samuel E. ....	New York.....	53, 54.
John H. ....	Missouri.....	54.
George W. ....	New York. ....	48, 52, 53, 54.
Thomas B. ....	Maine .....	45, 46, 47, 48, 49, 50, 51, 52, 53, 54.
Walter.....	Illinois .....	54.
John E. ....	Pennsylvania .....	51, 52, 53, 54.
Wm. James D. ....	Tennessee.....	49, 50, 51, 52, 53, 54.
John I. ....	Illinois .....	54.
Wm. Samuel M. ....	Louisiana.....	50, 51, 52, 53, 54.
Wm. John B. ....	Pennsylvania .....	52, 53, 54.
Samuel W. ....	Indiana .....	54.
Harry Welles	Maryland ... .	49, 50, 51, 52, 53, 54.
Benjamin E. ....	Georgia.....	53, 54.
Charles A. ....	Connecticut . . .	50, 51, 52, 53, 54.
Wm. Edward	Wisconsin... .	54.
Joseph D. ....	Texas .....	49, 50, 51, 52, 53, 54.
Joseph A. ....	Pennsylvania... .	47, 49, 51, 53, 54.
Thomas .....	North Carolina .....	53, 54.
John F. ....	Colorado.....	54.
Richard C. ....	New York.....	54.
Wm. G. ....	North Carolina .....	54.
James S. ....	New York.....	50, 51, 53, 54.
Alonso C. ....	North Carolina .....	54.
Wm. John .....	Massachusetts.....	54.
Harry .....	North Carolina .....	54.
George W. ....	Illinois ... .	51, 52, 53, 54.
William Alden	Michigan....	54.
Isaac G. ....	do .....	54.
Wm. J. ....	Ohio .....	53, 54.
James Harding.	do .....	54.
Wm. George N.	New York... .	54.
George ..	Michigan . . .	54.
Wm. Stephen M.	Florida .....	54.
James G. ....	Mississippi . . .	54.
Lehendish D. .	Connecticut . . .	54.
Wm. A. ....	Pennsylvania .....	54.
James F. ....	Alabama.....	53, 54.
George W. ....	Indiana .....	47, 48, 49, 50, 54.
Wm. Samuel M. . .	Michigan .....	51, 52, 53, 54.
Alexander.....	Wisconsin.....	54.

Name.	State.	Congress.
Stewart, James F .....	New Jersey .....	54.
Stokes, J. William .....	South Carolina .....	54.
Stone, Charles W .....	Pennsylvania .....	51, 52, 53, 54.
Stone, William A .....	.....do .....	52, 53, 54.
Strait, Thomas J .....	South Carolina .....	53, 54.
Strode, Jesse B .....	Nebraska .....	54.
Strong, Luther M .....	Ohio .....	53, 54.
Strowd, William F .....	North Carolina .....	54.
Sulloway, Cyrus A .....	New Hampshire .....	54.
Sulzer, William .....	New York .....	54.
Swanson, Claude A .....	Virginia .....	53, 54.
Taft, Charles P .....	Ohio .....	54.
Talbert, W. Jasper .....	South Carolina .....	53, 54.
Tate, Farish Carter .....	Georgia .....	53, 54.
Tawney, James A .....	Minnesota .....	54.
Taylor, Robert W .....	Ohio .....	53, 54.
Terry, William L .....	Arkansas .....	52, 53, 54.
Thomas, Henry F .....	Michigan .....	53, 54.
Thorp, Robert T .....	Virginia .....	54.
Towne, Charles A .....	Minnesota .....	54.
Tracewell, Robert J .....	Indiana .....	54.
Tracey, John P .....	Missouri .....	54.
Treloar, William M .....	.....do .....	54.
Tucker, Henry St. George .....	Virginia .....	51, 52, 53, 54.
Turner, Henry G .....	Georgia .....	47, 48, 49, 50, 51, 52, 53, 54.
Turner, Smith S .....	Virginia .....	53, 54.
Tyler, D. Gardiner .....	.....do .....	53, 54.
Underwood, Oscar W .....	Alabama .....	54.
Uplegraff, Thomas .....	Iowa .....	46, 47, 53, 54.
Van Horn, Robert T .....	Missouri .....	39, 40, 41, 47, 48, 54.
Van Voorhis, Henry C .....	Ohio .....	53, 54.
Wadsworth, James W .....	New York .....	47, 48, 52, 53, 54.
Walker, James A .....	Virginia .....	54.
Walker, Joseph Henry .....	Massachusetts .....	51, 52, 53, 54.
Wanger, Irving P .....	Pennsylvania .....	53, 54.
Warner, Vespasian .....	Illinois .....	54.
Washington, Joseph E .....	Tennessee .....	50, 51, 52, 53, 54.
Watson, David K .....	Ohio .....	54.
Watson, James E .....	Indiana .....	54.
Wellington, George L .....	Maryland .....	54.
Wheeler, Joseph .....	Alabama .....	47, 49, 50, 51, 52, 53, 54.
White, George E .....	Illinois .....	54.
Wilber, David F .....	New York .....	54.
Williams, John S .....	Mississippi .....	53, 54.
Willis, Jonathan S .....	Delaware .....	54.
Wilson, Edgar .....	Idaho .....	54.
Wilson, Francis H .....	New York .....	54.

**LIST OF MEMBERS AND PERIOD OF SERVICE. 599**

Name.	State.	Congress.
son, George W .....	Ohio .....	53, 54.
son, Stanyarne .....	South Carolina.....	54.
rd, Benson .....	Illinois .....	54.
rdard, Fred A.....	North Carolina .....	53, 54.
rdman, Charles W.....	Illinois .....	54.
omer, Ephraim M .....	Pennsylvania.....	53, 54.
ght, Ashley B .....	Massachusetts.....	53, 54.
kum, Charles H.....	Texas .....	54.



**STANDING COMMITTEES AND COMMISSIONS**

**OF THE**

**HOUSE OF REPRESENTATIVES,**

**FIFTY-FOURTH CONGRESS, SECOND SESSION.**

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**COMMITTEE ON ELECTIONS, NO. 1.**

1. Charles Daniels .....	Of New York.
2. Lemuel W. Royse.....	Of Indiana.
3. Edward D. Cooke.....	Of Illinois.
4. Fred C. Leonard.....	Of Pennsylvania.
5. William H. Moody.....	Of Massachusetts.
6. Romulus Z. Linney.....	Of North Carolina.
7. Hugh A. Dinsmore.....	Of Arkansas.
8. Charles L. Bartlett.....	Of Georgia.
9. Smith S. Turner.....	Of Virginia

**COMMITTEE ON ELECTIONS, NO. 2.**

1. Henry U. Johnson.....	Of Indiana.
2. Jesse B. Strode.....	Of Nebraska.
3. George W. Prince.....	Of Illinois.
4. Robert W. Taylor.....	Of Ohio.
5. Warren Miller.....	Of West Virginia.
6. Chester I. Long.....	Of Kansas.
7. James G. Maguire.....	Of California.
8. John C. Kyle.....	Of Mississippi.
9. Joseph W. Bailey.....	Of Texas.

**COMMITTEE ON ELECTIONS, NO. 3.**

1. Samuel W. McCall.....	Of Massachusetts.
2. Henry F. Thomas.....	Of Michigan.
3. John J. Jenkins.....	Of Wisconsin.
4. James A. Walker.....	Of Virginia.
5. Jesse Overstreet.....	Of Indiana.
6. James H. Coddling.....	Of Pennsylvania.
7. Charles K. Bell.....	Of Texas.
8. David A. De Armond.....	Of Missouri.
9. William A. Jones.....	Of Virginia.



## COMMITTEE ON WAYS AND MEANS.

1. Nelson Dingley, jr.....	Of Maine.
2. Sereno E. Payne.....	Of New York.
3. John Dalzell .....	Of Pennsylvania.
4. Albert J. Hopkins.....	Of Illinois.
5. Charles H. Grosvenor.....	Of Ohio.
6. Charles A. Russell.....	Of Connecticut.
7. Jonathan P. Dolliver.....	Of Iowa.
8. George W. Steele.....	Of Indiana.
9. Martin N. Johnson.....	Of North Dakota.
10. Walter Evans .....	Of Kentucky.
11. James A. Tawney.....	Of Minnesota.
12. Benton McMillin .....	Of Tennessee.
13. Henry G. Turner.....	Of Georgia.
14. Joseph Wheeler .....	Of Alabama.
15. John L. McLaurin.....	Of South Carolina.
16. Seth W. Cobb.....	Of Missouri.
17. Charles J. Boatner.....	Of Louisiana.

## COMMITTEE ON APPROPRIATIONS.

1. Joseph G. Cannon.....	Of Illinois.
2. Henry H. Bingham.....	Of Pennsylvania.
3. William W. Grout.....	Of Vermont.
4. Stephen A. Northway.....	Of Ohio.
5. William A. Stone.....	Of Pennsylvania.
6. Warren O. Arnold.....	Of Rhode Island.
7. Eugene J. Hainer.....	Of Nebraska.
8. Richard W. Blue.....	Of Kansas.
9. Mahlon Pitney .....	Of New Jersey.
10. James A. Hemenway.....	Of Indiana.
11. John E. McCall.....	Of Tennessee.
12. Joseph D. Sayers.....	Of Texas.
13. Alexander M. Dockery.....	Of Missouri.
14. Leonidas F. Livingston.....	Of Georgia.
15. Samuel M. Robertson.....	Of Louisiana.
16. Fernando C. Layton.....	Of Ohio.
17. Franklin Bartlett .....	Of New York.

## COMMITTEE ON THE JUDICIARY.

1. David B. Henderson.....	Of Iowa.
2. George W. Ray.....	Of New York.
3. Case Broderick.....	Of Kansas.
4. Thomas Updegraff.....	Of Iowa.
5. Frederick H. Gillett.....	Of Massachusetts.
6. Luther M. Strong.....	Of Ohio.
7. Henry M. Baker.....	Of New Hampshire.
8. James A. Connolly .....	Of Illinois.
9. Charles G. Burton.....	Of Missouri.
10. Foster V. Brown.....	Of Tennessee.
11. John W. Lewis.....	Of Kentucky.
12. David B. Culberson.....	Of Texas.
13. Joseph E. Washington.....	Of Tennessee.
14. Joseph W. Bailey.....	Of Texas.
15. William L. Terry.....	Of Arkansas.
16. David A. DeArmond.....	Of Missouri.
17. Joshua W. Miles.....	Of Maryland.

## COMMITTEE ON BANKING AND CURRENCY.

1. Joseph Henry Walker .....	Of Massachusetts.
2. Marriott Brosius .....	Of Pennsylvania.
3. Henry U. Johnson .....	Of Indiana.
4. Henry C. Van Voorhis .....	Of Ohio.
5. James T. McCleary .....	Of Minnesota.
6. Charles Newell Fowler .....	Of New Jersey.
7. Jacob Lefever .....	Of New York.
8. George Spalding .....	Of Michigan.
9. William A. Calderhead .....	Of Kansas.
0. Ebenezer J. Hill .....	Of Connecticut.
1. Edward D. Cooke .....	Of Illinois.
2. William F. Aldrich .....	Of Alabama.
3. Nicholas N. Cox .....	Of Tennessee.
4. Seth W. Cobb .....	Of Missouri.
5. James C. C. Black .....	Of Georgia.
6. Francis G. Newlands .....	Of Nevada.
7. John K. Hendrick .....	Of Kentucky.
8. Jesse F. Stallings .....	Of Alabama.

## COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES.

1. Charles W. Stone .....	Of Pennsylvania.
2. Charles S. Hartman .....	Of Montana.
3. W. Godfrey Hunter .....	Of Kentucky.
4. Henry C. Loudenslager .....	Of New Jersey.
5. Henry C. Brewster .....	Of New York.
6. W. F. L. Hadley .....	Of Illinois.
7. Addison S. McClure .....	Of Ohio.
8. James H. Southard .....	Of Ohio.
9. Ben L. Fairchild .....	Of New York.
0. John M. Allen .....	Of Mississippi.
1. John H. Bankhead .....	Of Alabama.
2. Thomas C. McRae .....	Of Arkansas.
3. Stephen M. Sparkman .....	Of Florida.
4. James G. Spencer .....	Of Mississippi.
5. Richard H. Clarke .....	Of Alabama.
6. Sam Bronson Cooper .....	Of Texas.
7. ....	
Nathan O. Murphy * .....	Of Arizona.

## COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE.

1. William P. Hepburn .....	Of Iowa.
2. Loren Fletcher .....	Of Minnesota.
3. James S. Sherman .....	Of New York.
4. Irving P. Wanger .....	Of Pennsylvania.
5. William H. Doolittle .....	Of Washington.
6. Thomas Settle .....	Of North Carolina.
7. J. Frank Aldrich .....	Of Illinois.
8. Charles F. Joy .....	Of Missouri.
9. George H. Noonan .....	Of Texas.
0. John B. Corliss .....	Of Michigan.
1. Charles G. Bennett .....	Of New York.
2. James F. Stewart .....	Of New Jersey.
3. Andrew Price .....	Of Louisiana.
4. Josiah Patterson .....	Of Tennessee.

\* Delegate.

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|-----------------------------|--------------|
| 15. Franklin Bartlett ..... | Of New York. |
| 16. Harry Welles Rusk ..... | Of Maryland. |
| 17. Tazewell Ellett .....   | Of Virginia. |

## COMMITTEE ON RIVERS AND HARBORS.

- |                                |                   |
|--------------------------------|-------------------|
| 1. Warren B. Hooker .....      | Of New York.      |
| 2. Binger Hermann .....        | Of Oregon.        |
| 3. Samuel M. Stephenson .....  | Of Michigan.      |
| 4. John E. Reyburn .....       | Of Pennsylvania.  |
| 5. Henry A. Cooper .....       | Of Wisconsin.     |
| 6. Theodore E. Burton .....    | Of Ohio.          |
| 7. William E. Barrett .....    | Of Massachusetts. |
| 8. Walter Reeves .....         | Of Illinois.      |
| 9. Charles A. Towne .....      | Of Minnesota.     |
| 10. Blackburn B. Dovener ..... | Of West Virginia. |
| 11. Charles N. Clark .....     | Of Missouri.      |
| 12. James A. Walker .....      | Of Virginia.      |
| 13. Thomas C. Catchings .....  | Of Mississippi.   |
| 14. Rufus E. Lester .....      | Of Georgia.       |
| 15. Richard H. Clarke .....    | Of Alabama.       |
| 16. Philip D. McCulloch .....  | Of Arkansas.      |
| 17. Albert S. Berry .....      | Of Kentucky.      |

## COMMITTEE ON THE MERCHANT MARINE AND FISHERIES.

- |                               |                   |
|-------------------------------|-------------------|
| 1. Sereno E. Payne .....      | Of New York.      |
| 2. George D. Perkins .....    | Of Iowa.          |
| 3. Albert J. Hopkins .....    | Of Illinois.      |
| 4. Luther M. Strong .....     | Of Ohio.          |
| 5. Matthew Griswold .....     | Of Pennsylvania.  |
| 6. Richard C. McCormick ..... | Of New York.      |
| 7. John Simpkins .....        | Of Massachusetts. |
| 8. Edward S. Minor .....      | Of Wisconsin.     |
| 9. Albert S. Berry .....      | Of Kentucky.      |
| 10. Charles M. Cooper .....   | Of Florida.       |
| 11. John F. Fitzgerald .....  | Of Massachusetts. |
| 12. Miles Crowley .....       | Of Texas.         |
| 13. Tazewell Ellett .....     | Of Virginia.      |

## COMMITTEE ON AGRICULTURE.

- |                             |                  |
|-----------------------------|------------------|
| 1. James W. Wadsworth ..... | Of New York.     |
| 2. James A. Stable .....    | Of Pennsylvania. |
| 3. Vespasian Warner .....   | Of Illinois.     |
| 4. Jonathan S. Willis ..... | Of Delaware.     |
| 5. E. Stevens Henry .....   | Of Connecticut.  |
| 6. Edward Sauerhering ..... | Of Wisconsin.    |
| 7. J. D. Leighty .....      | Of Indiana.      |
| 8. William B. Baker .....   | Of Maryland.     |
| 9. David F. Wilber .....    | Of New York.     |
| 10. Everett J. Murphy ..... | Of Illinois.     |
| 11. Horace G. Snover .....  | Of Michigan.     |
| 12. Charles L. Moses .....  | Of Georgia.      |
| 13. Omer M. Kem .....       | Of Nebraska.     |
| 14. John S. Williams .....  | Of Mississippi.  |
| 15. John D. Clardy .....    | Of Kentucky.     |

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|----------------------------|--------------------|
| 16. Smith S. Turner.....   | Of Virginia.       |
| 17. Alonzo C. Shuford..... | Of North Carolina. |
| 18. J. William Stokes..... | Of South Carolina. |
| Dennis T. Flynn *          | Of Oklahoma.       |

**COMMITTEE ON FOREIGN AFFAIRS.**

- |                                  |                    |
|----------------------------------|--------------------|
| 1. Robert R. Hitt.....           | Of Illinois.       |
| 2. William F. Draper.....        | Of Massachusetts.  |
| 3. Robert Adams, jr.....         | Of Pennsylvania.   |
| 4. Lemuel E. Quigg.....          | Of New York.       |
| 5. Robert G. Cousins.....        | Of Iowa.           |
| 6. Charles P. Taft.....          | Of Ohio.           |
| 7. William Alden Smith.....      | Of Michigan.       |
| 8. Joel P. Heatwole.....         | Of Minnesota.      |
| 9. Richmond Pearson.....         | Of North Carolina. |
| 10. James B. McCreary.....       | Of Kentucky.       |
| 11. Andrew Price.....            | Of Louisiana.      |
| 12. Henry St. George Tucker..... | Of Virginia.       |
| 13. Hugh A. Dinsmore.....        | Of Arkansas.       |
| 14. Hernando D. Money.....       | Of Mississippi.    |
| 15. Francis G. Newlands.....     | Of Nevada.         |

**COMMITTEE ON MILITARY AFFAIRS.**

- |                               |                    |
|-------------------------------|--------------------|
| 1. John A. T. Hull.....       | Of Iowa.           |
| 2. Newton Martin Curtis.....  | Of New York.       |
| 3. Benjamin F. Marsh.....     | Of Illinois.       |
| 4. Ephraim M. Woomer.....     | Of Pennsylvania.   |
| 5. Michael Griffin.....       | Of Wisconsin.      |
| 6. George N. Southwick.....   | Of New York.       |
| 7. Richard W. Parker.....     | Of New Jersey.     |
| 8. Roswell P. Bishop.....     | Of Michigan.       |
| 9. Lucien J. Fenton.....      | Of Ohio.           |
| 10. John P. Tracey.....       | Of Missouri.       |
| 11. D. Gardiner Tyler.....    | Of Virginia.       |
| 12. George B. McClellan.....  | Of New York.       |
| 13. Joseph E. Washington..... | Of Tennessee.      |
| 14. Charles H. Martin.....    | Of North Carolina. |
| 15. ....                      |                    |
| Thomas B. Catron *            | Of New Mexico.     |

**COMMITTEE ON NAVAL AFFAIRS.**

- |                             |                   |
|-----------------------------|-------------------|
| 1. Charles A. Bontelle..... | Of Maine.         |
| 2. John B. Robinson.....    | Of Pennsylvania.  |
| 3. George W. Hulick.....    | Of Ohio.          |
| 4. Samuel G. Hilborn.....   | Of California.    |
| 5. Melville Bull.....       | Of Rhode Island.  |
| 6. J. Frank Hanly.....      | Of Indiana.       |
| 7. Francis H. Wilson.....   | Of New York.      |
| 8. George E. Foss.....      | Of Illinois.      |
| 9. Alston G. Dayton.....    | Of West Virginia. |
| 10. Amos J. Cummings.....   | Of New York.      |
| 11. Adolph Meyer.....       | Of Louisiana.     |
| 12. Hernando D. Money.....  | Of Mississippi.   |
| 13. Uriel S. Hall.....      | Of Missouri.      |
| 14. Farish Carter Tate..... | Of Georgia.       |
| 15. Joseph J. Hart.....     | Of Pennsylvania.  |

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\* Delegate.

## COMMITTEE ON THE POST-OFFICE AND POST-ROADS.

1. Eugene F. Loud .....	Of California.
2. George W. Smith .....	Of Illinois.
3. John J. Gardner .....	Of New Jersey.
4. William S. Linton .....	Of Michigan.
5. Nehemiah D. Sperry .....	Of Connecticut.
6. Thomas Settle .....	Of North Carolina
7. George F. Huff .....	Of Pennsylvania.
8. William Lorimer .....	Of Illinois.
9. Jacob H. Bromwell .....	Of Ohio.
10. Orrin L. Miller .....	Of Kansas.
11. Rowland B. Mahany .....	Of New York.
12. John C. Kyle .....	Of Mississippi.
13. Claude A. Swanson .....	Of Virginia.
14. Henry W. Ogden .....	Of Louisiana.
15. George C. Pendleton .....	Of Texas.
16. Uriel S. Hall .....	Of Missouri.
17. Charles R. Crisp .....	Of Georgia.
Nathan O. Murphy * .....	Of Arizona.

## COMMITTEE ON THE PUBLIC LANDS.

1. John F. Lacey .....	Of Iowa.
2. Samuel M. Stephenson .....	Of Michigan.
3. George D. Meiklejohn .....	Of Nebraska.
4. William W. Bowers .....	Of California.
5. William R. Ellis .....	Of Oregon.
6. Samuel S. Barney .....	Of Wisconsin.
7. Edgar Wilson .....	Of Idaho.
8. Monroe H. Kulp .....	Of Pennsylvania.
9. John F. Shafroth .....	Of Colorado.
10. Clarence E. Allen .....	Of Utah.
11. Thomas C. McRae .....	Of Arkansas.
12. Asbury C. Latimer .....	Of South Carolina
13. William A. Jones .....	Of Virginia.
14. John C. Bell .....	Of Colorado.
15. Rudolph Kleberg .....	Of Texas.
Dennis T. Flynn * .....	Of Oklahoma.

## COMMITTEE ON INDIAN AFFAIRS.

1. James S. Sherman .....	Of New York.
2. Charles Curtis .....	Of Kansas.
3. George W. Wilson .....	Of Ohio.
4. George D. Meiklejohn .....	Of Nebraska.
5. Robert J. Gamble .....	Of South Dakota
6. William H. Doolittle .....	Of Washington.
7. Israel F. Fischer .....	Of New York.
8. Frank M. Eddy .....	Of Minnesota.
9. Alexander Stewart .....	Of Wisconsin.
10. George E. White .....	Of Illinois.
11. Samuel C. Hyde .....	Of Washington.
12. James E. Watson .....	Of Indiana.
13. John M. Allen .....	Of Mississippi.
14. John W. Maddox .....	Of Georgia.
15. George C. Pendleton .....	Of Texas.
16. John S. Little .....	Of Arkansas.
17. William C. Owens .....	Of Kentucky.
Dennis T. Flynn * .....	Of Oklahoma.

\* Delegate.

## COMMITTEE ON THE TERRITORIES.

1. Joseph A. Scranton.....	Of Pennsylvania.
2. George D. Perkins.....	Of Iowa.
3. Jacob Lefever.....	Of New York.
4. John Avery.....	Of Michigan.
5. Stephen R. Harris.....	Of Ohio.
6. W. F. L. Hadley.....	Of Illinois.
7. William S. Knox.....	Of Massachusetts.
8. Charles P. Taft.....	Of Ohio.
9. Philip B. Low.....	Of New York.
10. Truman H. Aldrich.....	Of Alabama.
11. George P. Harrison.....	Of Alabama.
12. Smith S. Turner.....	Of Virginia.
13. William C. Owens.....	Of Kentucky.
Thomas B. Catron *	Of New Mexico.
Nathan O. Murphy *	Of Arizona.

## COMMITTEE ON RAILWAYS AND CANALS.

1. Charles A. Chickering.....	Of New York.
2. Samuel A. Cook.....	Of Wisconsin.
3. John Leisenring.....	Of Pennsylvania.
4. Vespasian Warner.....	Of Illinois.
5. Wallace T. Foote, jr.....	Of New York.
6. John F. Lacey.....	Of Iowa.
7. Thomas McEwan, jr.....	Of New Jersey.
8. William A. Calderhead.....	Of Kansas.
9. Hugh R. Belknap.....	Of Illinois.
10. Robert T. Thorp.....	Of Virginia.
11. John I. Rinaker.....	Of Illinois.
12. John L. McLaurin.....	Of South Carolina.
13. Peter J. Otey.....	Of Virginia.

## COMMITTEE ON MANUFACTURES.

1. Lewis Dewart Apsley.....	Of Massachusetts.
2. Charles E. Coffin.....	Of Maryland.
3. Frederick Halterman.....	Of Pennsylvania.
4. George W. Faris.....	Of Indiana.
5. Rosseau O. Crump.....	Of Michigan.
6. Alexander Stewart.....	Of Wisconsin.
7. Monroe H. Kulp.....	Of Pennsylvania.
8. Clifton B. Beach.....	Of Ohio.
9. Truman H. Aldrich.....	Of Alabama.
10. Paul J. Sorg.....	Of Ohio.
11. Adolph Meyer.....	Of Louisiana.

## COMMITTEE ON MINES AND MINING.

1. David D. Aitken.....	Of Michigan.
2. Robert G. Cousins.....	Of Iowa.
3. Charles S. Hartman.....	Of Montana.
4. John Leisenring.....	Of Pennsylvania.
5. Frank W. Mondell.....	Of Wyoming.
6. Rosseau O. Crump.....	Of Michigan.
7. Frank M. Eddy.....	Of Minnesota.
8. Alexander M. Hardy.....	Of Indiana.

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\* Delegate.

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|-------------------------------|--------------|
| 9. Jethro A. Hatch.....       | Of Indiana.  |
| 10. Farish Carter Tate.....   | Of Georgia.  |
| 11. Jeremiah V. Cockrell..... | Of Texas.    |
| 12. Robert Neill.....         | Of Arkansas. |
| 13. Joseph M. Kendall.....    | Of Kentucky. |
| Nathan O. Murphy *.....       | Of Arizona.  |

## COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

- |                              |                    |
|------------------------------|--------------------|
| 1. Seth L. Milliken.....     | Of Maine.          |
| 2. Elijah A. Morse.....      | Of Massachusetts.  |
| 3. David H. Mercer.....      | Of Nebraska.       |
| 4. Josiah D. Hicks.....      | Of Pennsylvania.   |
| 5. Samuel G. Hilborn.....    | Of California.     |
| 6. Andrew R. Kiefer.....     | Of Minnesota.      |
| 7. Charles W. Gillet.....    | Of New York.       |
| 8. George E. White.....      | Of Illinois.       |
| 9. Samuel C. Hyde.....       | Of Washington.     |
| 10. Charles L. Henry.....    | Of Indiana.        |
| 11. John H. Bankhead.....    | Of Alabama.        |
| 12. Jo Abbott.....           | Of Texas.          |
| 13. Harry Skinner.....       | Of North Carolina. |
| 14. Stephen M. Sparkman..... | Of Florida.        |
| 15. John S. Little.....      | Of Arkansas.       |

## COMMITTEE ON PACIFIC RAILROADS.

- |                             |                   |
|-----------------------------|-------------------|
| 1. H. Henry Powers.....     | Of Vermont.       |
| 2. William P. Hepburn.....  | Of Iowa.          |
| 3. Ashley B. Wright.....    | Of Massachusetts. |
| 4. David K. Watson.....     | Of Ohio.          |
| 5. ....                     |                   |
| 6. William C. Arnold.....   | Of Pennsylvania.  |
| 7. Grove L. Johnson.....    | Of California.    |
| 8. Joel D. Hubbard.....     | Of Missouri.      |
| 9. George W. Faris.....     | Of Indiana.       |
| 10. John I. Rinaker.....    | Of Illinois.      |
| 11. John C. Kyle.....       | Of Mississippi.   |
| 12. Charles K. Bell.....    | Of Texas.         |
| 13. George P. Harrison..... | Of Alabama.       |
| 14. Josiah Patterson.....   | Of Tennessee.     |
| 15. William Sulzer.....     | Of New York.      |

## COMMITTEE ON LEVEES AND IMPROVEMENTS OF THE MISSISSIPPI RIVER.

- |                             |                    |
|-----------------------------|--------------------|
| 1. George W. Ray.....       | Of New York.       |
| 2. Robert Adams, jr.....    | Of Pennsylvania.   |
| 3. Warren O. Arnold.....    | Of Rhode Island.   |
| 4. Henry A. Cooper.....     | Of Wisconsin.      |
| 5. Alfred Milnes.....       | Of Michigan.       |
| 6. Charles N. Clark.....    | Of Missouri.       |
| 7. George M. Curtis.....    | Of Iowa.           |
| 8. W. Godfrey Hunter.....   | Of Kentucky.       |
| 9. Lemuel W. Royse.....     | Of Indiana.        |
| 10. John M. Allen.....      | Of Mississippi.    |
| 11. James C. McDearmon..... | Of Tennessee.      |
| 12. Fred A. Woodard.....    | Of North Carolina. |
| 13. Peter J. Otey.....      | Of Virginia.       |

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\* Delegate.

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3. Samuel M. Clark .....	Of Iowa.
4. Richard C. McCormick .....	Of New York.
5. Charles L. Henry .....	Of Indiana.
6. William E. Barrett .....	Of Massachusetts.
7. Samuel J. Pugh .....	Of Kentucky.
8. George W. Murray .....	Of South Carolina.
9. David A. De Armond .....	Of Missouri.
10. Charles K. Bell .....	Of Texas.
11. Henry W. Ogden .....	Of Louisiana.
12. Thomas G. Lawson .....	Of Georgia.
13. Alonzo C. Shuford .....	Of North Carolina.

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2. Joseph Henry Walker .....	Of Massachusetts.
3. Lewis Dewart Apsley .....	Of Massachusetts.
4. John J. Gardner .....	Of New Jersey.
5. James T. McCleary .....	Of Minnesota.
6. William Lorimer .....	Of Illinois.
7. Philip B. Low .....	Of New York.
8. George L. Wellington .....	Of Maryland.
9. Robert T. Van Horn .....	Of Missouri.
10. Paul J. Sorg .....	Of Ohio.
11. Constantine J. Erdman .....	Of Pennsylvania.
12. W. Jasper Talbert .....	Of South Carolina.
13. William F. Strowd .....	Of North Carolina.

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2. Case Broderick .....	Of Kansas.
3. Charles G. Burton .....	Of Missouri.
4. George Spalding .....	Of Michigan.
5. Lucien J. Fenton .....	Of Ohio.
6. Charles W. Woodman .....	Of Illinois.
7. Warren Miller .....	Of West Virginia.
8. Richard Wayne Parker .....	Of New Jersey.
9. Franklin Bartlett .....	Of New York.
10. D. Gardiner Tyler .....	Of Virginia.
11. John G. Shaw .....	Of North Carolina.
12. Charles H. Yoakum .....	Of Texas.
13. Rudolph Kleberg .....	Of Texas.

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2. Josiah D. Hicks .....	Of Pennsylvania.
3. Edward Sauerhering .....	Of Wisconsin.
4. Ben L. Fairchild .....	Of New York.
5. William M. Treloar .....	Of Missouri.
6. Cyrus A. Sulloway .....	Of New Hampshire.
7. Edward D. Cooke .....	Of Illinois.
8. Winfield S. Kerr .....	Of Ohio.
9. Robert J. Tracewell .....	Of Indiana.
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11. John Murray Mitchell .....	Of New York.
12. Joseph C. Hutcheson .....	Of Texas.
13. Thomas J. Strait .....	Of South Carolina.



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2. Henry F. Thomas .....	Of Michigan.
3. Benson Wood .....	Of Illinois.
4. Cyrus A. Sulloway .....	Of New Hampshire.
5. Theodore L. Poole .....	Of New York.
6. S. S. Kirkpatrick .....	Of Kansas.
7. Winfield S. Kerr .....	Of Ohio.
8. William C. Anderson .....	Of Tennessee.
9. William E. Andrews .....	Of Nebraska.
10. George C. Crowther .....	Of Missouri.
11. Constantine J. Erdman .....	Of Pennsylvania.
12. Fernando C. Layton .....	Of Ohio.
13. George B. McClellan .....	Of New York.
14. Joshua W. Miles .....	Of Maryland.
15. William Baker .....	Of Kansas.

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2. Charles E. Coffin .....	Of Maryland.
3. David G. Colson .....	Of Kentucky.
4. Frederick Halterman .....	Of Pennsylvania.
5. James R. Howe .....	Of New York.
6. Norman A. Mozley .....	Of Missouri.
7. Jesse B. Strode .....	Of Nebraska.
8. Alexander M. Hardy .....	Of Indiana.
9. Jacob H. Bromwell .....	Of Ohio.
10. Charles L. Moses .....	Of Georgia.
11. Jesse F. Stallings .....	Of Alabama.
12. William Baker .....	Of Kansas.
13. James C. C. Black .....	Of Georgia.

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2. Daniel B. Heiner .....	Of Pennsylvania.
3. Francis B. De Witt .....	Of Ohio.
4. J. Frank Hanly .....	Of Indiana.
5. Joseph V. Graff .....	Of Illinois.
6. Horace G. Snover .....	Of Michigan.
7. James E. Watson .....	Of Indiana.
8. Edward S. Minor .....	Of Wisconsin.
9. David G. Colson .....	Of Kentucky.
10. Albert T. Goodwyn .....	Of Alabama.
11. Nicholas N. Cox .....	Of Tennessee.
12. Benjamin E. Russell .....	Of Georgia.
13. Joseph C. Hutcheson .....	Of Texas.
14. Fred A. Woodard .....	Of North Carolina.
15. Walter M. Denny .....	Of Mississippi.

## COMMITTEE ON WAR CLAIMS.

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2. John Avery .....	Of Michigan.
3. George W. Wilson .....	Of Ohio.
4. Jethro A. Hatch .....	Of Indiana.
5. Henry R. Gibson .....	Of Tennessee.
6. Theobald Otjen .....	Of Wisconsin.

7. Denis M. Hurley.....	Of New York.
8. Samuel J. Pugh.....	Of Kentucky.
9. John F. Fitzgerald.....	Of Massachusetts.
10. Samuel B. Cooper.....	Of Texas.
11. Robert Neill.....	Of Arkansas.
12. Charles F. Buck.....	Of Louisiana.
13. Rufus E. Lester.....	Of Georgia.

## COMMITTEE ON PRIVATE LAND CLAIMS.

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2. William E. Andrews.....	Of Nebraska.
3. Richard Bartholdt.....	Of Missouri.
4. Roswell P. Bishop.....	Of Michigan.
5. Frank S. Black.....	Of New York.
6. Samuel A. Cook.....	Of Wisconsin.
7. Ebenezer J. Hill.....	Of Connecticut.
8. Benjamin F. Howell.....	Of New Jersey.
9. Alva L. Hager.....	Of Iowa.
10. William A. Jones.....	Of Virginia.
11. Philip D. McCulloch.....	Of Arkansas.
12. Joshua W. Miles.....	Of Maryland.
13. William C. Owens.....	Of Kentucky.
Thomas B. Catron *	Of New Mexico.

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1. Joseph W. Babcock.....	Of Wisconsin.
2. Alfred C. Harmer.....	Of Pennsylvania.
3. George M. Curtis.....	Of Iowa.
4. George W. Hulick.....	Of Ohio.
5. Richard C. Shannon.....	Of New York.
6. James H. Huling.....	Of West Virginia.
7. Benjamin B. Odell, jr.....	Of New York.
8. Alfred Milnes.....	Of Michigan.
9. George L. Wellington.....	Of Maryland.
10. James D. Richardson.....	Of Tennessee.
11. Harry Welles Rusk.....	Of Maryland.
12. Elisha E. Meredith.....	Of Virginia.
13. Jo Abbott.....	Of Texas.
14. Seth W. Cobb.....	Of Missouri.
15. Adolph Meyer.....	Of Louisiana.

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1. William W. Bowers.....	Of California.
2. George F. Huff.....	Of Pennsylvania.
3. Henry R. Gibson.....	Of Tennessee.
4. Stephen R. Harris.....	Of Ohio.
5. Alston G. Dayton.....	Of West Virginia.
6. George N. Southwick.....	Of New York.
7. Thomas McEwan, jr.....	Of New Jersey.
8. Theobald Otjen.....	Of Wisconsin.
9. Romulus Z. Linney.....	Of North Carolina.
10. John W. Maddox.....	Of Georgia.
11. Joseph W. Bailey.....	Of Texas.
12. Joseph M. Kendall.....	Of Kentucky.
13. Walter M. Denny.....	Of Mississippi.

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\* Delegate.

## COMMITTEE ON REFORM IN THE CIVIL SERVICE.

1. Marriott Brosius.....	Of Pennsylvania.
2. James S. Sherman.....	Of New York.
3. Frederick H. Gillett.....	Of Massachusetts.
4. Henry C. Van Voorhis.....	Of Ohio.
5. James A. Tawney.....	Of Minnesota.
6. Richmond Pearson.....	Of North Carolina.
7. Mahlon Pitney.....	Of New Jersey.
8. James McLachlan.....	Of California.
9. Albert T. Goodwyn.....	Of Alabama.
10. Elisha E. Meredith.....	Of Virginia.
11. Henry C. Miner.....	Of New York.
12. Alexander M. Dockery.....	Of Missouri.
13. Miles Crowley.....	Of Texas.

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1. Newton Martin Curtis.....	Of New York.
2. Henry M. Baker.....	Of New Hampshire.
3. Harrison H. Atwood.....	Of Massachusetts.
4. William C. Arnold.....	Of Pennsylvania.
5. Clifton B. Beach.....	Of Ohio.
6. John H. Raney.....	Of Missouri.
7. James McLachlan.....	Of California.
8. John B. Corliss.....	Of Michigan.
9. John Murray Mitchell.....	Of New York.
10. Henry St. George Tucker.....	Of Virginia.
11. Thomas G. Lawson.....	Of Georgia.
12. Jesse F. Stallings.....	Of Alabama.
13. Milford W. Howard.....	Of Alabama.

## COMMITTEE ON ALCOHOLIC LIQUOR TRAFFIC.

1. Elijah A. Morse.....	Of Massachusetts.
2. Charles Daniels.....	Of New York.
3. Eugene J. Hainer.....	Of Nebraska.
4. Andrew R. Kiefer.....	Of Minnesota.
5. Orlando Burrell.....	Of Illinois.
6. Jonathan S. Willis.....	Of Delaware.
7. Leonidas F. Livingston.....	Of Georgia.
8. Samuel B. Cooper.....	Of Texas.
9. Fred A. Woodard.....	Of North Carolina.
10. James G. Spencer.....	Of Mississippi.
11. ....	

## COMMITTEE ON IRRIGATION OF ARID LANDS.

1. Binger Hermann.....	Of Oregon.
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3. Edgar Wilson.....	Of Idaho.
4. John T. Shafroth.....	Of Colorado.
5. Frank W. Mondell.....	Of Wyoming.
6. Robert J. Gamble.....	Of South Dakota.
7. Samuel C. Hyde.....	Of Washington.
8. Joseph C. Hutcheson.....	Of Texas.
9. Joseph E. Washington.....	Of Tennessee.
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11. John C. Bell.....	Of Colorado.

**STANDING COMMITTEES AND COMMISSIONS.****613****COMMITTEE ON IMMIGRATION AND NATURALIZATION.**

1. Richard Bartholdt.....Of Missouri.
2. Lorenzo Danford .....Of Ohio.
3. Ernest F. Acheson.....Of Pennsylvania.
4. Robert J. Tracewell.....Of Indiana.
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3. James A. Stable .....Of Pennsylvania.
4. James H. Southard .....Of Ohio.
5. Smith S. Turner .....Of Virginia.
6. John K. Hendrick .....Of Kentucky.
7. Stanyarne Wilson .....Of South Carolina.

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9. ....



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The supplement (1891) revised and continued embraces the additional general and permanent laws passed from the Forty-third to the Fifty-first Congress, inclusive.

(See Laws of the United States, ante p. 422.)



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\*Vol. 2 contains also proceedings of Senate from December 3, 1798, to March 2, 1799.

†Vol. 3 contains House proceedings from December 3, 1798, to March 3, 1799, and appendix.

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13	3	.....	Sept. 19, 1814, to Mar. 2, 1815.
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15	1	Part 2.....	Mar. 12, 1818, to Apr. 20, 1818.
15	2	Part 1.....	Nov. 16, 1818, to Feb. 17, 1819.
15	2	Part 2.....	Feb. 17, 1819, to Mar. 3, 1819.
16	1	Part 1.....	Dec. 6, 1819, to Feb. 12, 1820.
16	1	Part 2.....	Feb. 12, 1820, to May 15, 1820.
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21	1	Volume 6, part 1.....	Dec. 7, 1829, to Mar. 24, 1830	
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21	2	Volume 7.....	Dec. 6, 1830, to Mar. 2, 1831	
22	1	Volume 8, part 1.....	Dec. 5, 1831, to July 16, 1832	Senate.
22	1	Volume 8, part 2.....	Dec. 5, 1831, to May 9, 1832	House.
22	1	Volume 8, part 3.....	May 9, 1832, to July 16, 1832	House.
22	2	Volume 9, part 1.....	Dec. 3, 1832, to Mar. 2, 1833	Senate.
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23	1	Volume 10, part 1 .....	Dec. 2, 1833, to Apr. 18, 1834	Senate.
23	1	Volume 10, part 1 .....	Apr. 18, 1834, to June 30, 1834	Senate.
23	1	Volume 10, part 2 .....	Dec. 2, 1833, to Feb. 20, 1834	House.
23	1	Volume 10, part 3 .....	Feb. 20, 1834, to May 19, 1834	House.
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23	2	Volume 11, part 1 .....	Dec. 1, 1834, to Mar. 3, 1835	Senate.
23	2	Volume 11, part 2 .....	Dec. 1, 1834, to Mar. 3, 1835	House.
24	1	Volume 12, part 1 .....	Dec. 7, 1835, to Apr. 25, 1836	Senate.
24	1	Volume 12, part 2 .....	Apr. 25, 1836, to July 4, 1836	Senate.
24	1	Volume 12, part 2 .....	Dec. 7, 1835, to Feb. 17, 1836	House.
24	1	Volume 12, part 3 .....	Feb. 17, 1836, to May 23, 1836	House.
24	1	Volume 12, part 4 .....	May 23, 1836, to July 4, 1836	House.
24	2	Volume 13, part 1 .....	Dec. 5, 1836, to Mar. 3, 1837	Senate.
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24	1	.....	616	} Dec. 7, 1835, to July 4, 1836
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27	2	.....	987	Dec. 8, 1841, to Aug. 31, 1842.
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27	3	.....	408	Dec. 5, 1842, to Mar. 3, 1843.
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28	1	.....	747	Dec. 4, 1843, to June 16, 1844.
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28	2	.....	400	Dec. 2, 1844, to Mar. 3, 1845.
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30	2	.....	700	Dec. 4, 1848, to Mar. 3, 1849.
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31	1	Part 2 .....	1009-2076	
31	1	Appendix, part 1 .....	848	May 16, 1850, to Sept. 30, 1850.
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32	1	Part 2 .....	833-1696	Mar. 23, 1852, to July 8, 1852.
32	1	Part 3 .....	1697-2497	July 8, 1852, to Aug. 31, 1852.
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32	2	.....	1168	Dec. 6, 1852, to Mar. 3, 1853.
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33	1	Part 1 .....	784	Dec. 5, 1853, to Mar. 29, 1854.
33	1	Part 2 .....	785-1568	Mar. 29, 1854, to June 29, 1854.
33	1	Part 3 .....	1569-2224	June 29, 1854, to Aug. 7, 1854.
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34	1	Part 1 .....	800	Dec. 3, 1855, to Apr. 2, 1856.
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35		Special session Senate (Appendix).....	371-396	Mar. 4, 1857, to Mar. 14, 1857.
35	1	Part 1.....	1034	Dec. 7, 1857, to Mar. 10, 1858.
35	1	Part 2.....	1035-2048	Mar. 10, 1858, to May 11, 1858.
35	1	Part 3.....	2049-20512	May 11, 1858, to June 14, 1858.
35	1	Appendix.....	800	June 15, 1858, to June 19, 1858.
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36	1	Part 3.....	1889-2832	Apr. 30, 1860, to June 11, 1860.
36	1	Part 4.....	2833-2308	June 11, 1860, to June 25, 1860.
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37	3	Part 2.....	913-1553	Feb. 12, 1863, to Mar. 3, 1863.
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38	1	Part 2.....	976-1952	Mar. 7, 1864, to Apr. 28, 1864.
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40	2	Part 4 .....	3073-4096	June 11, 1868, to July 16, 1868.
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41	2	Part 4 .....	2832-3776	Apr. 20, 1870, to May 24, 1870.
41	2	Part 5 .....	3777-4720	May 24, 1870, to June 20, 1870.
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42	2	Part 3.....	1793-2000	Mar. 19, 1872, to Apr. 23, 1872.
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42	3	Part 2.....	672-1632	Jan. 17, 1873, to Feb. 22, 1873.
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43	1	2	3	4	2001-3008		Mar. 5, 1874, to Apr. 11, 1874.
43	1	2	4	5	3009-4000		Apr. 11, 1874, to May 19, 1874.
43	1	2	5	6	4001-4992		May 19, 1874, to June 15, 1874.
43	1	2	6	7	4993-5447		June 15, 1874, to June 23, 1874.
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43	2	3	2	10	833-1664		Jan. 28, 1875, to Feb. 23, 1875.
43	2	3	3	11	1665-2276		Feb. 23, 1875, to Mar. 3, 1875.
43	2	3	Ind.	12		Index.....	Dec. 7, 1874, to Mar. 3, 1875.
				13	149	Special session Senate.	Mar. 5, 1875, to Mar. 24, 1875.
44	1	4		13	164-1008		Dec. 6, 1875, to Feb. 10, 1876.
44	1	4	2	14	1009-2000		Feb. 10, 1876, to Mar. 28, 1876.
44		4	3	15	2001-3008		Mar. 28, 1876, to May 5, 1876.
44		4	4	16	3009-4016		May 5, 1876, to June 22, 1876.
44			5	17	4017-5006		June 22, 1876, to July 29, 1876.
44		4	6	18	5009-5699		July 29, 1876, to Aug. 15, 1876.
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44	2	5	2	22	849-1696	.....	Jan. 23, 1877, to Feb. 20, 1877.
44	2	5	3	23	1697-2253	.....	Feb. 20, 1877, to Mar. 3, 1877.
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45	2	7	1	27	1008	.....	Dec. 3, 1877, to Feb. 13, 1878.
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46	1	9	2	38	1297-2477	.....	May 13, 1879, to July 1, 1879.
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47	2	14	4	62	3025-3077	.....	Feb. 20, 1883, to Mar. 3, 1883.
			Ind.	63	.....	Index.....	Dec. 4, 1882, to Mar. 3, 1883.
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48	1	15	2	65	1009-2016	.....	Feb. 11, 1884, to Mar. 18, 1884.
48	1	15	3	66	2017-3024	.....	Mar. 18, 1884, to Apr. 16, 1884.
48	1	15	4	67	3025-4240	.....	Apr. 16, 1884, to May 16, 1884.
48	1	15	5	68	4241-5456	.....	May 16, 1884, to June 21, 1884.
48	1	15	6	69	5457-6182	.....	June 21, 1884, to July 7, 1884.
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49	1	17	6	80	5441-6560	.....	June 9, 1886, to July 6, 1886.
49	1	17	7	81	6561-7648	.....	July 6, 1886, to July 23, 1886.
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50	1	19	1	88	1008	.....	Dec. 5, 1887, to Feb. 7, 1888.
50	1	19	2	89	1009-2000	.....	Feb. 7, 1888, to Mar. 13, 1888.
50	1	19	3	90	2001-3008	.....	Mar. 13, 1888, to Apr. 16, 1888.
50	1	19	4	91	3009-4000	.....	Apr. 16, 1888, to May 11, 1888.
50	1	19	5	92	4001-5008	.....	May 11, 1888, to June 7, 1888.
50	1	19	6	93	5009-6000	.....	June 7, 1888, to July 9, 1888.
50	1	19	7	94	6001-7008	.....	July 9, 1888, to July 26, 1888.
50	1	19	8	95	7009-8000	.....	July 26, 1888, to Aug. 27, 1888.
50	1	19	9	96	8001-9152	.....	Aug. 27, 1888, to Oct. 4, 1888.
50	1	19	10	97	9153-9816	.....	Oct. 4, 1887, to Oct. 20, 1888.
				97	620	Appendix.....	
			Ind.	98	.....	Index ..	Dec. 5, 1878, to Oct. 20, 1888.
50	2	20	1	99	1 992	.....	Dec. 3, 1888, to Jan. 19, 1889.
50	2	20	2	100	993-1984	.....	Jan. 19, 1889, to Feb. 16, 1889.
50	2	20	3	101	1985-2727	.....	Feb. 16, 1889, to Mar. 2, 1889.
				101	1-242	Appendix.....	
				102	.....	Index ..	Dec. 3, 1889, to Mar. 2, 1890.
51	Sp'l	21	1	103	1-74	Special session Senate.	Mar. 4, 1889, to Apr. 2, 1889.
51	1	21	1	103	75-1024	.....	Dec. 2, 1889, to Feb. 3, 1890.
51	1	21	2	104	1025-2032	.....	Feb. 3, 1890, to Mar. 7, 1890.
51	1	21	3	105	2033-3040	.....	Mar. 7, 1890, to Apr. 4, 1890.
51	1	21	4	106	3041-4048	.....	Apr. 4, 1890, to Apr. 30, 1890.
51	1	21	5	107	4049-5056	.....	Apr. 30, 1890, to May 20, 1890.
51	1	21	6	108	5057-6064	.....	May 20, 1890, to June 13, 1890.
51	1	21	7	109	6065-7072	.....	June 13, 1890, to July 9, 1890.
51	1	21	8	110	7073-8080	.....	July 9, 1890, to Aug. 4, 1890.
51	1	21	9	111	8081-9248	.....	Aug. 4, 1890, to Aug. 28, 1890.
51	1	21	10	112	{ 9249- 10416 }	.....	Aug. 28, 1890, to Sept. 25, 1890.
51	1	21	11	113	{ 10417- 10800 }	.....	Sept. 25, 1890, to Oct. 1, 1891.
51	1	21	.....	113	288	Appendix ..	
51	1	21	Ind.	114	.....	Index ..	Dec. 2, 1890, to Oct. 1, 1890.
51	2	22	1	115	1 1056	.....	Dec. 1, 1891, to Jan. 8, 1891.
51	2	22	2	116	1057-2112	.....	Jan. 8, 1891, to Feb. 3, 1891.
51	2	22	3	117	2113-3168	.....	Feb. 3, 1891, to Feb. 23, 1891.
51	2	22	4	118	3169-3921	.....	Feb. 23, 1891, to Mar. 3, 1891.
51	2	22	4	118	285	Appendix.....	
51	2	22	Ind.	119	.....	Index ..	Dec. 1, 1890, to Mar. 3, 1891.
52	1	23	1	120	1008	.....	Dec. 7, 1891, to Feb. 10, 1892.
52	1	23	2	121	1009-2016	.....	Feb. 10, 1892, to Mar. 11, 1892.
52	1	23	3	122	2017-3024	.....	Mar. 11, 1892, to Apr. 1, 1892.

# 628 VOLUMES CONTAINING DEBATES IN CONGRESS.

## CONGRESSIONAL RECORD—Continued.

Congress.	Session.	Vol.	Part.	H. R. serial No.	Pages.	Congressional Record.	Period.
52	1	23	4	123	3035-4032	.....	Apr. 6, 1892, to May 6, 1892.
52	1	23		124	4033-5040	.....	May 6, 1892, to June 4, 1892.
52	1	23	5	125	5041-6160	.....	June 4, 1892, to July 14, 1892.
52	1	23	7	126	6161-7129	.....	July 14, 1892, to Aug. 6, 1892.
52	1	23		127	638	Appendix.....	
52	1	23	Ind	128	.....	Index .....	Dec. 7, 1891, to Aug. 5, 1892.
52	2	24		129	912	.....	Dec. 5, 1892, to Jan. 28, 1893.
52	2	24	2	130	913-1824	.....	Jan. 28, 1893, to Feb. 18, 1893.
52	2	24	3	131	1825-2820	.....	Feb. 18, 1893, to Mar. 3, 1893.
52	2	24	3	131	111	Appendix.....	
52	2	24	Ind	132	.....	Index .....	Dec. 5, 1892, to Mar. 3, 1893.
53	1	25	1	133	1-1279	.....	Mar. 4, 1893, to Sept. 6, 1893.
53	1	25	2	134	1280-2560	.....	Sept. 6, 1893, to Oct. 16, 1893.
53	1	25	Ind.	135	.....	Index.....	Sept. 7, 1893, to Nov. 2, 1893.
53	1	25	3	136	2560-3128	.....	Oct. 16, 1893, to Nov. 2, 1893.
53	1	25	3	136	705	Appendix .....	
53	2	26	1	137	1 1008	.....	Dec. 4, 1893, to Jan. 18, 1894.
53	2	26	2	138	1009-2016	.....	Jan. 18, 1894, to Feb. 8, 1894.
53	2	26	3	139	2017-3024	.....	Feb. 8, 1894, to Mar. 16, 1894.
53	2	26	4	140	3025-4032	.....	Mar. 16, 1894, to Apr. 24, 1894.
53	2	26	5	141	4033-5040	.....	Apr. 24, 1894, to May 21, 1894.
53	2	26	6	142	5041-6048	.....	May 21, 1894, to June 9, 1894.
53	2	26	7	143	6049-7376	.....	June 9, 1894, to July 12, 1894.
53	2	26	8	144	7377-8668	.....	July 12, 1894, to Aug. 28, 1894.
53	2	26	9	145	818	Appendix, part 1	
53	2	26	10	146	1543	Appendix, part 2.	
53	2	26	Ind	147	.....	Index .....	
53	3	27	1	148	1-928	.....	Dec. 3, 1894, to Jan. 14, 1895.
53	3	27	2	149	929-1856	.....	Jan. 14, 1895, to Feb. 6, 1895.
53	3	27	3	150	1857-2784	.....	Feb. 6, 1895, to Feb. 26, 1895.
53	3	27	4	151	2785-3252	And Appendix..	Feb. 26, 1895, to Mar. 2, 1895.
53	3	27	Ind.	152	.....	Index .....	
54	1	28	1	153	1 1008	.....	Dec. 2, 1895, to Jan. 27, 1896.
54	1	28	2	154	1009-2000	.....	Jan. 27, 1896, to Feb. 20, 1896.
54	1	28	3	155	2001-3008	.....	Feb. 20, 1896, to Mar. 20, 1896.
54	1	28	4	156	3009-4000	.....	Mar. 20, 1896, to Apr. 15, 1896.
54	1	28	5	157	4001-5008	.....	Apr. 15, 1896, to May 8, 1896.
54	1	28	6	158	5009-6000	.....	May 8, 1896, to June 2, 1896.
54	1	28	7	159	6001-6462	Appendix. ....	June 2, 1896, to June 11, 1896.
54	1	28	Ind	160	.....	Index .....	

# PERIOD OF EACH CONGRESS. SPEAKERS AND CLERKS OF THE HOUSE.

## PERIOD OF EACH CONGRESS.

629

Congress.	Session.	Beginning.	Ending.	No. of days in each session.	Speakers.	Clerks.
1	1	Mar 4, 1789	Sept. 29, 1789	210	Fred A. Muhlenburg, of Pennsylvania	John Beckley, of Virginia.
1	2	Jun 4, 1790	Aug. 12, 1790	221	do	do.
2	1	Dec. 6, 1790	Mar. 3, 1791	88	do	do.
2	2	Oct. 24, 1791	May 8, 1792	197	Jonathan Trumbull, of Connecticut	do.
3	1	Nov. 5, 1792	Mar. 2, 1793	119	do	do.
3	2	Dec. 2, 1793	June 9, 1794	190	Fred A. Muhlenburg, of Pennsylvania	do.
4	1	Nov. 3, 1794	Mar. 3, 1795	121	do	do.
4	2	Dec. 7, 1795	June 1, 1796	177	Jonathan Dayton, of New Jersey	do.
5	1	Dec. 5, 1796	Mar. 3, 1797	89	do	do.
5	2	May 15, 1797	July 10, 1797	57	do	Jonathan Williams Condy, of Pennsylvania.*
6	1	Nov. 13, 1797	July 16, 1798	246	do	do.
6	2	Dec. 3, 1798	Mar. 3, 1799	91	George Kent, of Maryland, <i>pro tempore</i>	do.
7	1	Dec. 2, 1799	May 14, 1800	164	Theodore Sedgwick, of Massachusetts	do.
7	2	Nov. 17, 1800	Mar. 3, 1801	107	do	John Holt Oswald, of Pennsylvania.
8	1	Dec. 7, 1801	May 3, 1802	148	Nathaniel Mason, of North Carolina	John Beckley, of Virginia.
8	2	Dec. 5, 1802	Mar. 3, 1803	96	do	do.
9	1	Oct. 17, 1803	Mar. 27, 1804	163	do	do.
9	2	Nov. 5, 1804	Mar. 3, 1805	119	do	do.
10	1	Dec. 2, 1805	Apr. 21, 1806	141	do	do.
10	2	Dec. 1, 1806	Mar. 3, 1807	98	do	do.
11	1	Oct. 26, 1807	Apr. 23, 1808	182	Joseph B. Varnum, of Massachusetts	Patrick Magruder, of Maryland.†
11	2	Nov. 7, 1808	Mar. 3, 1809	117	do	do.
12	1	May 22, 1809	June 28, 1809	38	do	do.
12	2	Nov. 27, 1809	May 1, 1810	156	do	do.
13	1	Dec. 3, 1810	Mar. 3, 1811	91	do	do.
13	2	Nov. 4, 1811	July 6, 1812	245	Henry Clay, of Kentucky	do.
14	1	Nov. 2, 1812	Mar. 3, 1813	122	do	do.
14	2	May 24, 1813	Aug. 2, 1813	71	do	do.
15	1	Dec. 6, 1813	Apr. 18, 1814	134	Langdon Cheves, of South Carolina	do.
15	2	Sept. 19, 1814	Mar. 2, 1815	106	do	Thomas Dougherty, of Kentucky.‡
16	1	Dec. 4, 1815	Apr. 30, 1816	148	Henry Clay, of Kentucky	do.
16	2	Dec. 2, 1816	Mar. 3, 1817	92	do	do.

\* Resigned January 19, 1814, and Langdon Cheves, of South Carolina, elected.  
 † Died during recess of Seventeenth Congress.

\* Resigned December 19, 1800.  
 † Resigned January 28, 1816.

Congress.	Session.	Beginning.	Ending.	No. of days in each session.	Speakers.	Clerks.
15 {	1	Dec. 1, 1817	Apr. 20, 1818	141	Henry Clay, of Kentucky	Thomas Dougherty, of Kentucky.
	2	Nov. 16, 1818	Mar. 3, 1819	108	do.	Do.
16 {	1	Dec. 6, 1819	May 15, 1820	162	do.*	Do.
	2	Nov. 13, 1820	Mar. 3, 1821	111	John W. Taylor, of New York	Do.
17 {	1	Dec. 3, 1821	May 8, 1822	157	Philip P. Barbour, of Virginia	Do.
	2	Dec. 2, 1822	Mar. 3, 1823	92	do.	Matthew St. Clair Clarke, of Pennsylvania.
18 {	1	Dec. 1, 1823	May 27, 1824	178	Henry Clay, of Kentucky	Do.
	2	Dec. 6, 1824	Mar. 3, 1825	88	do.	Do.
19 {	1	Dec. 5, 1825	May 22, 1826	169	John W. Taylor, of New York	Do.
	2	Dec. 4, 1826	Mar. 3, 1827	90	do.	Do.
20 {	1	Dec. 3, 1827	May 26, 1828	175	Andrew Stevenson, of Virginia	Do.
	2	Dec. 1, 1828	Mar. 3, 1829	93	do.	Do.
21 {	1	Dec. 7, 1829	May 31, 1830	176	do.	Do.
	2	Dec. 6, 1830	Mar. 3, 1831	88	do.	Do.
22 {	1	Dec. 5, 1831	July 16, 1832	225	do.	Do.
	2	Dec. 3, 1832	Mar. 3, 1833	91	do.	Do.
23 {	1	Dec. 2, 1833	June 30, 1834	211	do.†	Walter S. Franklin, of Pennsylvania.
	2	Dec. 1, 1834	Mar. 3, 1835	93	John Bell, of Tennessee	Do.
24 {	1	Dec. 7, 1835	July 4, 1836	211	James K. Polk, of Tennessee	Do.
	2	Dec. 5, 1836	Mar. 3, 1837	89	do.	Do.
25 {	1	Sept. 4, 1837	Oct. 16, 1837	43	do.	Do.
	2	Dec. 4, 1837	July 9, 1838	218	do.	Do.
	3	Dec. 3, 1838	Mar. 3, 1839	91	do.	Hugh A. Garland, of Virginia.
26 {	1	Dec. 2, 1839	July 21, 1840	233	Robert M. T. Hunter, of Virginia	Do.
	2	Dec. 7, 1840	Mar. 3, 1841	87	do.	Do.
27 {	1	May 31, 1841	Sept. 13, 1841	106	John White, of Kentucky	Matthew St. Clair Clarke, of Pennsylvania.
	2	Dec. 6, 1841	Aug. 31, 1842	269	do.	Do.
	3	Dec. 5, 1842	Mar. 3, 1843	89	do.	Do.
28 {	1	Dec. 4, 1843	June 17, 1844	196	John W. Jones, of Virginia	Caleb J. McNulty, of Ohio.‡
	2	Dec. 2, 1844	Mar. 3, 1845	92	do.	Benjamin B. French, of New Hampshire.
29 {	1	Dec. 1, 1845	Aug. 10, 1846	253	John W. Davis, of Indiana	Do.
	2	Dec. 7, 1846	Mar. 3, 1847	87	do.	Do.
30 {	1	Dec. 6, 1847	Aug. 14, 1848	254	Robert C. Winthrop, of Massachusetts	Thomas Jefferson Campbell, of Tennessee.
	2	Dec. 4, 1848	Mar. 3, 1849	90	do.	Do.

21	1	Dec.	3, 1849	Sept. 30, 1850	Howell Cobb, of Georgia	Richard M. Young, of Illinois.
	2	Dec.	2, 1850	Mar. 3, 1851	do	do.
32	1	Dec.	1, 1851	Aug. 31, 1852	Linn Boyd, of Kentucky	John W. Forney, of Pennsylvania
	2	Dec.	6, 1852	Mar. 3, 1853	do	do.
33	1	Dec.	5, 1853	Aug. 7, 1854	do	do.
	2	Dec.	4, 1854	Mar. 3, 1855	do	do.
34	1	Dec.	3, 1855	Aug. 18, 1856	Nathaniel P. Banks, of Massachusetts	William Cullom, of Tennessee
	2	Aug.	21, 1856	Aug. 30, 1856	do	do.
35	3	Dec.	1, 1856	Mar. 3, 1857	do	do.
	1	Dec.	7, 1857	June 14, 1858	James L. Orr, of South Carolina	James C. Allen, of Illinois
36	2	Dec.	6, 1858	Mar. 3, 1859	do	do.
	1	Dec.	5, 1859	June 25, 1860	William Pennington, of New Jersey	John W. Forney, of Pennsylvania
37	2	Dec.	3, 1860	Mar. 2, 1861	do	do.
	1	July	4, 1861	Aug. 6, 1861	Galusha A. Grow, of Pennsylvania	Emerson Etheridge, of Tennessee
38	2	Dec.	2, 1861	July 17, 1862	do	do.
	3	Dec.	1, 1862	Mar. 3, 1863	do	do.
39	1	Dec.	7, 1863	July 4, 1864	Schuyler Colfax, of Indiana	Edward McPherson, of Pennsylvania
	2	Dec.	5, 1864	Mar. 3, 1865	do	do.
40	1	Dec.	4, 1865	July 28, 1866	do	do.
	2	Dec.	3, 1866	Mar. 3, 1867	do	do.
41	3	Dec.	2, 1867	Nov. 10, 1868	do	do.
	1	Dec.	7, 1868	Mar. 3, 1869	do	do.
42	2	Dec.	4, 1869	Apr. 10, 1870	James G. Blaine, of Maine	do
	3	Dec.	6, 1870	July 15, 1870	do	do.
43	1	Dec.	5, 1871	Mar. 3, 1871	do	do.
	2	Dec.	4, 1871	Apr. 20, 1871	do	do.
44	3	Dec.	2, 1872	Mar. 3, 1873	do	do.
	1	Dec.	1, 1873	June 23, 1874	do	do.
45	2	Dec.	7, 1874	Mar. 3, 1875	do	do.
	1	Dec.	6, 1875	Aug. 15, 1876	Michael C. Kerr, of Indiana	George M. Adams, of Kentucky
	2	Dec.	4, 1876	Mar. 3, 1877	Samuel S. Cox, of New York**	do
	3	Dec.	3, 1877	June 20, 1878	Milton Saylor, of Ohio**	do
	1	Dec.	2, 1878	Mar. 3, 1879	Samuel J. Randall, of Pennsylvania††	do
	2	Dec.	1, 1879	Mar. 3, 1880	do	do.

\* Resigned October 20, 1820, by letter, and John W. Taylor, of New York, elected November 15, 1820.  
† Resigned June 2, 1834, and John Bell, of Tennessee, elected.  
‡ Dismissed January 18, 1845, and Benjamin B. French, of New Hampshire, elected.  
§ Appointed April 17, 1850.  
|| March 30 adjourned to July 3; July 20 adjourned to November 21.  
¶ July 25 adjourned to September 21; September 21 adjourned to October 16; October 16 adjourned to November 10.  
\*\* S. S. Cox appointed February 17, May 12, and June 19; Milton Saylor appointed June 4, 1876.  
†† Samuel J. Randall, elected December 4, 1876.  
‡‡ Theodore M. Pomeroy, elected March 3, 1880; served but one day.

PERIOD OF EACH CONGRESS. SPEAKERS AND CLERKS OF THE HOUSE—Continued.

PERIOD OF EACH CONGRESS.

Congress.	Session.	Beginning.	Ending.	No. of days in each session.	Speakers.	Clerks.
46	1	Mar. 18, 1879	July 1, 1879	106	Samuel J. Randall, of Pennsylvania.	George M. Adams, of Kentucky.
	2	Dec. 1, 1879	June 16, 1880	199	do	Do.
	3	Dec. 6, 1880	Mar. 3, 1881	88	do	Do.
47	1	Dec. 5, 1881	Aug. 8, 1882	247	J. Warren Keifer, of Ohio	Edward McPherson, of Pennsylvania.
	2	Dec. 4, 1882	Mar. 3, 1883	90	do	Do.
48	1	Dec. 3, 1883	July 7, 1884	218	John G. Carlisle, of Kentucky	John B. Clark, of Missouri.
	2	Dec. 1, 1884	Mar. 3, 1885	93	do	Do.
49	1	Dec. 7, 1885	Aug. 5, 1886	242	do	Do.
	2	Dec. 6, 1886	Mar. 3, 1887	88	do	Do.
50	1	Dec. 5, 1887	Oct. 20, 1888	321	do	Do.
	2	Dec. 3, 1888	Mar. 3, 1889	91	do	Do.
51	1	Dec. 2, 1889	Oct. 1, 1890	304	Thomas B. Reed, of Maine	Edward McPherson, of Pennsylvania.
	2	Dec. 1, 1890	Mar. 3, 1891	93	do	Do.
52	1	Dec. 7, 1891	Aug. 5, 1892	251	Charles F. Crisp, of Georgia	James Kerr, of Pennsylvania.
	2	Dec. 5, 1892	Mar. 3, 1893	89	do	Do.
53	1	Aug. 7, 1893	Nov. 3, 1893	89	do	Do.
	2	Dec. 4, 1893	Aug. 28, 1894	268	do	Do.
54	3	Dec. 3, 1894	Mar. 3, 1895	90	do	Do.
	1	Dec. 2, 1895	June 11, 1896	193	Thomas B. Reed, of Maine	Alexander McDowell, of Pennsylvania.
	2	Dec. 7, 1896	Mar. 3, 1896	87	do	Do.

# SESSIONS OF CONGRESS CONVENED BY LAW OR PROCLAMATION.

Con- gress.	Ses- sion.	Assembled	Adjourned.	Period.	Extraordinary sessions.	
					By law.	Occasion.
1st ..	1st	Mar. 4, 1789	Sept. 29, 1789	210 days ..	*Sept 13, 1788	
1st ....	2nd.	Jan 4, 1790	Aug 12, 1790	221 days .	Sept 29, 1789	
2nd ..	1st	Oct 24, 1791	May 8 1792	187 days .	Mar 2, 1791	
2nd ..	2nd.	Nov. 5 1792	Mar 2, 1793	119 days .	May 5, 1792	
3d ...	2nd.	Nov. 3 1794	Mar 3 1795	121 days .	May 30, 1794	
5th ..	1st...	May 15, 1797	July 10, 1797	57 days	.....	Relations with France.
5th ...	2nd	Nov 13, 1797	July 16, 1798	246 days	July 1, 1797	
6th ...	2nd	Nov. 17, 1800	Mar 3, 1801	107 days .	May 13 1800	
8th ..	1st.	Oct. 17, 1803	Mar 27, 1804	163 days ..	.....	Cession of Louisiana by Spain to France.
8th ..	2nd	Nov 5, 1804	Mar 3 1805	119 days .	Mar. 26, 1804	
10th .	1st..	Oct. 26, 1807	Apr 25, 1808	182 days .	.....	Relations with Great Britain.
10th .	2nd	Nov. 7 1808	Mar. 3, 1809	117 days ..	Apr. 22, 1808	
11th .	1st	May 22, 1809	June 28, 1809	38 days .	Jan. 30 1809	
11th .	2nd	Nov 27, 1809	May 1, 1810	156 days ..	June 24, 1809	
12th ..	1st	Nov 4, 1811	July 6, 1812	245 days .	.....	Relations with Great Britain
12th ...	2nd	Nov 2 1812	Mar. 3, 1813	122 days	July 6, 1812	
13th ...	1st.	May 24 1813	Aug 2, 1813	71 days .	Feb. 27, 1813	
13th ...	2nd.	Dec 6, 1813	Apr 18, 1814	134 days ..	July 27, 1813	
13th .	3d ..	Sept 19, 1814	Mar. 2, 1815	166 days	.....	War with Great Britain.
15th ..	2nd	Nov. 16, 1818	Mar 3, 1819	108 days .	Apr. 8, 1818	
16th ...	2nd .	Nov. 13, 1830	Mar 3, 1831	111 days ..	May 12, 1830	
25th ...	1st...	Sept. 4, 1837	Oct. 16, 1837	43 days ..	.....	Suspension of specie payments.

\* The first session of the First Congress under the Constitution was convened by resolution of the Continental Congress, adopted September 12, 1789. SEE DIGEST, ARTS. P. 244.



## SESSIONS OF CONGRESS CONVENED BY LAW OR PROCLAMATION—Continued.

Congress.	Session.	Assembled.	Adjourned.	Period.	By law		Extraordinary sessions	
					Date of law fixing time.	Date of proclamation.	Occasion.	
27th..	1st	May 31 1841	Sept 13 1841	106 days	.....	Mar 17 1841—Harrison....	Condition of finances and revenue.	
34th .	2nd	Aug 21, 1856	Aug 30 1856	10 days	.....	Aug 18, 1856—Pierce.....	Failure of appropriations for Army.	
37th .	1st	July 4, 1861	Aug 6 1861	34 days	.....	Apr. 15, 1861—Lincoln.....	Insurrection in certain Southern States.	
40th ..	1st	Mar. 4, 1867	Dec 2, 1867	266 days	†Jan 22, 1867,	.....		
41st ..	1st	Mar 4 1869	Apr 10, 1869	37 days	†Jan 22 1867	.....		
42nd ...	1st	Mar 4, 1871	Apr 20, 1871	47 days	†Jan 22, 1867	.....		
45th .	1st	Oct. 15, 1877	Dec 3, 1877	50 days	.....	May 5, 1877—Hayes.....	Failure of appropriation for Army.	
46th .	1st	Mar. 18, 1879	July 1, 1879	106 days	.....	Mar. 4, 1879—Hayes.....	Failure of appropriations for legislative, executive, and judicial, and Army expenses.	
53d ....	1st..	Aug. 7 1893	Nov. 3 1893	89 days	.....	June 30, 1893—Cleveland.	Condition of finances.	

\* The first session of the Fortieth Congress adjourned twice (by concurrent resolution) from March 30, 1867, to July 2, 1867, and from July 20, 1867, to November 21 1867.

† Repealed April 20, 1871 (17 Stat., p. 12)

# OFFICERS OF THE HOUSE FROM THE FIRST TO THE FIFTY-FOURTH CONGRESSES.

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**SERGEANT-AT-ARMS OF THE HOUSE OF REPRESENTATIVES FROM THE FIRST CONGRESS, 1789, TO THE FIFTY-FOURTH CONGRESS, 1895.**

**Joseph Wheaton, First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, and Ninth Congresses, from May 12, 1789, to October 27, 1807.**

**Thomas Dunn, Maryland, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, and Eighteenth Congresses, from October 27, 1807, to December 5, 1825.**

**John O. Dunn, District of Columbia, Nineteenth, Twentieth, Twenty-first, and Twenty-second Congresses, from December 5, 1825, to December 3, 1833.**

**Thomas B. Randolph, Virginia, Twenty-third Congress, from December 3, 1833, to December 15, 1835.**

**Roderick Dorsey, Maryland, Twenty-fourth, Twenty-fifth, and Twenty-sixth Congresses, from December 15, 1835, to June 8, 1841.**

**Eleazor M. Townsend, Connecticut, Twenty-seventh Congress, from June 8, 1841, to December 7, 1843.**

**Newton Lane, Kentucky, Twenty-eighth and Twenty-ninth Congresses, from December 7, 1843, to December 8, 1847.**

**N. Sargent, Vermont, Thirtieth and Thirty-first Congresses, from December 8, 1847, to December 1, 1851. No election during Thirty-first Congress.**

**Adam J. Glossbrenner, Pennsylvania, Thirty-second, Thirty-third, Thirty-fourth, and Thirty-fifth Congresses, from December 1, 1851, to February 3, 1860.**

**Henry W. Hoffman, Maryland, Thirty-sixth Congress, from February 3, 1860, to July 5, 1861.**

**Edward Ball, Virginia, Thirty-seventh Congress, from July 5, 1861, to December 8, 1863.**

**Nathaniel G. Ordway, New Hampshire, Thirty-eighth, Thirty-ninth, Fortieth, Forty-first, Forty-second, and Forty-third Congresses, from December 8, 1863, to December 6, 1875.**

**John G. Thompson, Ohio, Forty-fourth, Forty-fifth, and Forty-sixth Congresses, from December 6, 1875, to December 5, 1882.**

**George W. Hooker, Vermont, Forty-seventh Congress, from December 5, 1881, to December 3, 1883.**

John P. Leedom, Ohio, Forty-eighth, Forty-ninth, and Fiftieth Congresses, from December 3, 1883, to December 2, 1889.

Adoniram J. Holmes, Iowa, Fifty-first Congress, from December 2, 1889, to December 7, 1897.

S. S. Yoder, Ohio, Fifty-second Congress, from December 7, 1891, to August 7, 1893.

Herman W. Snow, Illinois, Fifty-third Congress, from August 7, 1893, to December 2, 1895.

Benjamin F. Russell, Missouri, Fifty-fourth Congress, from December 2, 1895.

**DOORKEEPERS OF THE HOUSE OF REPRESENTATIVES FROM 1789, FIRST CONGRESS, TO 1895, FIFTY-FOURTH CONGRESS.**

Gifford Dalley, First, Second, and Third Congresses, from April 4, 1789, to December 7, 1795.

Thomas Claxton, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, and Sixteenth Congresses, from December 7, 1795, to December 4, 1821.

Benjamin Birch, Maryland, Seventeenth, Eighteenth, Nineteenth, Twentieth, and Twenty-first Congresses, from December 4, 1821, to December 7, 1831.

Overton Carr, Maryland, Twenty-second, Twenty-third, Twenty-fourth, and Twenty-fifth Congresses, from December 7, 1831, to December 23, 1839.

Joseph Follansbee, Massachusetts, Twenty-sixth and Twenty-seventh Congresses, from December 23, 1839, to December 7, 1843.

Jesse E. Dow, Connecticut, Twenty-eighth Congress, from December 7, 1843, to December 3, 1845.

Cornelius S. Witney, District of Columbia, Twenty-ninth Congress, from December 3, 1845, to December 8, 1847.

Robert E. Horner, New Jersey, Thirtieth and Thirty-first Congresses, from December 8, 1847, to December 1, 1851.

Z. W. McKnew, Maryland, Thirty-second and Thirty-third Congresses, from December 1, 1851, to February 5, 1856.

Nathan Darling, New York, Thirty-fourth Congress, from February 5, 1856, to December 7, 1857.

Robert B. Hackney, Virginia, Thirty-fifth Congress, from December 7, 1857, to May 17, 1858. Dismissed.

J. L. Wright, New Jersey, Thirty-fifth Congress, from May 18, 1858, to February 6, 1860.

George Marston, New Hampshire, Thirty-sixth Congress, from February 6, 1860, to July 5, 1861.

Ira Goodnow, Vermont, Thirty-seventh, Thirty-eight, and Thirty-ninth Congresses, from July 5, 1861, to March 5, 1867.

Charles E. Lippincott, Illinois, Fortieth Congress, from March 5, 1867, to December 7, 1868. Resigned.

Otis S. Buxton, New York, Fortieth, Forty-first, Forty-second, and Forty-third Congresses, from December 7, 1868, to December 6, 1875.

**La Fayette H. Fitzhugh**, Texas, Forty-fourth Congress, from December 6, 1875, to May 22, 1876. Office declared vacant.

**John H. Patterson**, New Jersey, Forty-fourth Congress, from May 26, 1876, to October 15, 1877.

**John W. Polk**, Missouri, Forty-fifth Congress, from October 15, 1877, to April 4, 1878. Dismissed.

**Charles W. Field**, Georgia, Forty-fifth and Forty-sixth Congresses, from April 8, 1878, to December 5, 1881.

**Walter P. Brownlow**, Tennessee, Forty-seventh Congress, from December 5, 1881, to December 3, 1883.

**James W. Wintersmith**, Texas, Forty-eighth Congress, from December 3, 1883 to August (—), 1885.

**Samuel Donaldson**, Tennessee, Forty-ninth Congress, from December 7, 1885, to December 5, 1887.

**A. B. Hurt**, Mississippi, Fiftieth Congress, from December 5, 1887, to December 2, 1889.

**Charles E. Adams**, Maryland, Fifty-first Congress, from December 2, 1889, to December 7, 1891.

**Charles H. Turner**, New York, Fifty-second Congress, from December 7, 1891, to August 7, 1893.

**A. B. Hurt**, Mississippi, Fifty-third Congress, from August 7, 1893, to December 2, 1895.

**William J. Glenn**, New York, Fifty-fourth Congress, from December 2, 1895.

**POSTMASTERS OF THE HOUSE OF REPRESENTATIVES FROM THE CREATION OF THE OFFICE, APRIL 5, 1828, TO THE FIFTY-FOURTH CONGRESS, 1895.**

**William J. McCormick**, District of Columbia, Twenty-fifth, Twenty-sixth, Twenty-seventh, and Twenty-eighth Congresses, from April 5, 1828, to December 4, 1845.

**John M. Johnson**, Virginia, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, and Thirty-third Congresses, from December 4, 1845, to February 5, 1856.

**Robert Morris**, Pennsylvania, Thirty-fourth Congress, from February 5, 1856, to December 7, 1857.

**Michael W. Clusky**, Georgia, Thirty-fifth Congress, from December 7, 1857, to February 6, 1860.

**Josiah M. Lucas**, Illinois, Thirty-sixth Congress, from February 6, 1860, to July 5, 1861.

**William S. King**, New York, Thirty-seventh and Thirty-eighth Congresses, from July 5, 1861, to December 4, 1865; also Fortieth, Forty-first, and Forty-second Congresses, from March 5, 1867, to December 1, 1873.

**Josiah Given**, Ohio, Thirty-ninth Congress, from December 4, 1865, to March 5, 1867.

**Henry Sherwood**, Michigan, Forty-third Congress, from December 1,

1873, to December 6, 1875; also Forty-seventh Congress, from December 5, 1881, to December 3, 1883.

Lycurgus Dalton, Indiana, Forty-eighth, Forty-ninth, and Fiftieth Congresses, from December 3, 1883, to December 2, 1889.

James L. Wheat, Wisconsin, Fifty-first Congress, from December 2, 1889, to October 1, 1890. Office declared vacant.

James W. Hathaway, Montana, Fifty-first Congress, from December 10, 1890, to December 7, 1891.

Lycurgus Dalton, Indiana, Fifty-second and Fifty-third Congresses, from December 7, 1891, to March 24, 1895. Died in office.

Joseph C. McElroy, Ohio, Fifty-fourth Congress, from December 2, 1895.

# POLITICAL DIVISIONS—SENATE.

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*Political divisions of the United States Senate from 1789 to 1895.*

Congress.	Number of Sen- ators.	Federalists.	Democrats.	Whigs.	Republicans.	Americans.	Independents.	Free Soil.	Readjusters.	Vacant.	Alliance.
First .....	26										
Second .....	30	17	13								
Third .....	32	18	13								
Fourth .....	32	19	13								
Fifth .....	32	21	11								
Sixth .....	32	19	13								
Seventh .....	32	13	19								
Eighth .....	34	10	24								
Ninth .....	34	7	27								
Tenth .....	34	7	27								
Eleventh .....	34	10	24								
Twelfth .....	36	6	30								
Thirteenth .....	36	9	27								
Fourteenth .....	38	13	26								
Fifteenth .....	44	10	34								
Sixteenth .....	46	10	36								
Seventeenth .....	48	7	41								
Eighteenth .....	48		40	8							
Nineteenth .....	48		38	10							
Twentieth .....	48		37	11							
Twenty first .....	48		36	10							
Twenty-second .....	48		35	13							
Twenty-third .....	48		30	18							
Twenty-fourth .....	52		33	19							
Twenty-fifth .....	52		31	18			3				
Twenty-sixth .....	52		22	28			2				
Twenty-seventh .....	52		22	28			2				
Twenty-eighth .....	52		23	29							
Twenty-ninth .....	56		30	25						1	
Thirtieth .....	58		37	21							
Thirty first .....	62		35	25							
Thirty second .....	62		38	23				3			
Thirty third .....	62		38	22				2			
Thirty-fourth .....	62		42		15	5					
Thirty-fifth .....	64		39		20	5					
Thirty-sixth .....	66		38		28	2					
Thirty-seventh .....	60		11		31	7				1	
Thirty-eighth .....	51		12		39						
Thirty-ninth .....	52		10		42						
Fortieth .....	53		11		42						
Forty first .....	74		11		61					2	
Forty second .....	74		17		57						
Forty-third .....	74		19		54					1	
Forty-fourth .....	76		20		46					1	
Forty-fifth .....	76		36		39		1				
Forty-sixth .....	76		43		33						
Forty-seventh .....	76		37		37		1		1		
Forty-eighth .....	76		36		40						
Forty-ninth .....	76		34		41					1	
Fiftieth .....	76		37		39						
Fifty first .....	84		37		47						
Fifty-second .....	86		39		47						2
Fifty third .....	88		44		38		1			2	2
Fifty-fourth .....	90		39		44					1	2

*Political divisions of the House of Representatives from 1789 to 1895.*

Congress.	Total Represent- atives	Delegates.	Federalists.	Democrats.	Whigs.	Republicans.	Americans.	Independents.	Nationals.	Readjusters.	Free Soil.	Labor	Silverite.	Populists	Vacant
First	83		53	13											
Second	89		55	14											
Third	105	1	51	54											
Fourth	105		46	50											
Fifth	105		51	54											
Sixth	105	1	57	48											
Seventh	106		34	71											
Eighth	141	1	38	103											
Ninth	141		29	112											
Tenth	141	3	31	110											
Eleventh	141	3	46	95											
Twelfth	141	4	38	105											
Thirteenth	182	4	67	115											
Fourteenth	183	4	61	123											
Fifteenth	185	3	57	128											
Sixteenth	187	3	42	145											
Seventeenth	187	3	58	129											
Eighteenth	213	3	72	141											
Nineteenth	213	3	79	134											
Twentieth	213	3	85	128											
Twenty first	213	3		142	71										
Twenty second	213	3		130	83										
Twenty third	240	3		147	93										
Twenty fourth	242	2		144	98										
Twenty fifth	242	3		117	115			10							
Twenty sixth	242	3		109	132			6							
Twenty seventh	242	3		103	132			6							
Twenty eighth	223	3		142	81										
Twenty ninth	225	2		141	78		6								
Thirtieth	227	1		108	115			4							
Thirty first	227	2		118	111										
Thirty second	233	4		143	88						5				
Thirty third	234	6		159	71						4				
Thirty fourth	234	7		83		108	43								
Thirty fifth	237	7		131		92	14								
Thirty sixth	237	5		101		113	23								
Thirty seventh	178	8		42		106	28								2
Thirty eighth	183	9		80		103									
Thirty ninth	191	9		40		145									
Fortieth	193	8		49		143									1
Forty first	243	9		73		170									
Forty second	243	10		104		139									
Forty third	293	10		88		203									1
Forty fourth	293	8		181		107		3							2
Forty fifth	293	8		158		137									
Forty sixth	293	8		150		128			14						1
Forty seventh	293	8		130		152			9	2					
Forty eighth	325	8		200		119		4	2						
Forty ninth	325	8		182		140			2						1
Fiftieth	325	8		170		151		1				3			
Fifty first	330	4		156		173		1							
Fifty second	333	4		231		88								14	
Fifty third	350	4		220		128								8	
Fifty fourth	357	4		104		245							1	7	

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